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THE
GEORGIA HISTORICAL
QUARTERLY



PUBLISHED BY THE
GEORGIA HISTORICAL SOCIETY
SAVANNAH, GEORGIA

VOLUME TWO

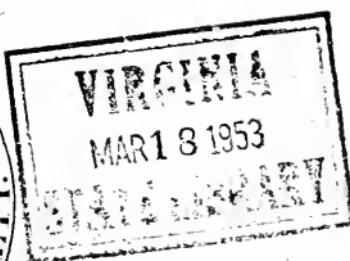
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Georgia Historical Quarterly, March, 1918

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THE GEORGIA HISTORICAL QUARTERLY

Vol. II

MARCH, 1918

No. 1

LIBERTY COUNTY, GEORGIA

An Address Delivered at Hinesville, July 4, 1876

By JOHN B. MALLARD

When the sun went down on the night of the 18th of April, 1775, England and her American Colonies, exasperated as they were, might still, by a generous regard on the part of the former to the rights of the latter, have remained together in the bonds of union.

When the stars vanished on the morning of the 19th, bands of iron could not have held them together. The pale moon, as she rose on the night of the 18th, witnessed the embarkation of a detachment of the army of General Gage. The first beams of the rising sun of the 19th fell upon a spot of ground, red with the blood of murdered heroes.

Distress and sorrow had gathered over the inhabitants of a peaceful town. On her green sward lay, in death, her old men, and her young men, crying to God for vengeance from the ground.

No independence had been proclaimed; no war had been declared; but duty and self preservation exist from eternity, and have been recognized, in all their binding force, from the morning of creation. The humble yeomanry of Lexington acted in defense of their rights, and the God of Justice and of battles was with them. No telegraphic wires were then in operation; but on swift relay of horses tidings that blood had

been shed were transmitted from town to town—from province to province—over hills and lakes and bays and rivers—through New York, New Jersey, Pennsylvania, Maryland, Delaware and Virginia and Southward it sped, through pines and palmettoes and moss-covered oaks, till it resounded amongst the swamps of Midway and along the banks of the Altamaha. With one impulse the colonies sprang to arms—with one spirit they pledged themselves to defend the common cause. And one hundred years ago this day thirteen colonies, declaring that the King of Great Britain had erected a multitude of officers amongst them; that he had sent thither swarms of officers to harass the people and eat out their substance; that he affected to render the military independent of, and superior to, the civil power; that he combined with others, for suspending the legislatures and declared themselves invested with power to legislate in their stead; solemnly seceded from the crown of England, and declared themselves an independent nation.

"Our fathers signed the bold decree
That said our native land is free,
Then thousands echoed back the strain
From hill and valley, moor and plain,
Then up our Country's banner rose,
In proud defiance of her foes.
Then gathered there that gallant band
To guard with love their fatherland,
Then came the young, the aged, all
For it to stand, for it to fall,
And this the watchword of the free,
Our God, our home, our Liberty."

In that terrible struggle that ensued between numbers and fewness, wealth and poverty, might and right, I need not stop to tell you what part those took who lived then where we now live. Who has not heard of the noble resolves and patriotic deeds of the inhabitants of St. John's Parish? Who has not heard of Lyman Hall, who affixed his name to the Declaration of Independence? Who has not heard of Gen. James Screven,

Rev. Moses Allen and Col. John Baker and Major John Jones, and a host of other fearless spirits who repaired to their Country's standard, resolved "to do or die," and fell nobly fighting for home and liberty?

"Beneath the sods their ashes lie—yet
Seek the spot; no trace the eye can see;
No grave stone; but they need it not;
They left their Country free."

A short historical sketch of those early settlers of a county that has given to the world such noble men as these is the theme assigned for my address on this occasion.

The Colony of Georgia was founded by James Edward Oglethorpe in February, 1733; and the first settlement made was on the right bank of the Savannah river, about 17 miles from its mouth.

The first scheme of government instituted by the trustees for the colony was of the simplest kind, consisting of three bailiffs, a recorder, two constables, two tithing-men and eight conservators of the peace. This plan of government having failed, the trustees determined to remodel it, and instead of a bailiff's magistracy, they established a constitution to be administered by a president and several assistants. Still the colonists labored under many grievances, and petitioned for redress. But the trustees, wedded to a system that was beautiful in theory, held back for a time the helping hand. At length, warned by the impoverished condition of the Province, they revoked several of their early laws relating to the tenure of lands, and other oppressive burdens. William De Brahm, having received the appointment of provincial surveyor, was sent into the Province, and proceeded immediately to explore its eastern portions, and to make surveys and draughts of the indentations of the coast, and of the streams and rivers running into the ocean.

On the surrender of the trustees' charter to the king, the government of the colony came under the control of a Board of Trades and Plantations. The prospective success of the

colony under this change of rulers, and a better knowledge of the rich lands of the inland swamps, brought more fully to light by the topographical surveys of the Provincial Surveyor, induced numbers from Carolina and other more northern colonies and from the old world to remove into the province. As early as 1748, grants of land were made to Captain Mark Carr, Colonel Heron, Griffith Williams Middleton Evans, Lieutenant Dow, Charles West and others. Carr's land was situated on Midway river. Heron's was on an island near its mouth, called at one time Bermuda, then Heron, and now Colonel's Island. These tracts of land were near the sea shore and on both sides of the Midway river.

Previous to the issuing of these grants, a company of Scotch Highlanders had settled on the banks of the Altamaha; and called their settlement New Inverness, now Darien.

For the convenience of these different settlements, as well as the town of Savannah, Oglethorpe ordered Augustine and Tolme, two engineers, to survey the country from Savannah to New Inverness to know where a road might be most conveniently made, and these engineers reported that they had found the country passable for horses, and a road could be laid out so as to make it but 70 miles; and a few years after this survey John Harn, Charles West and Audley Maxwell were appointed to open a road from the south side of Ogeechee river to the head of Midway whence, it was said, it would be easy to make a road to the Altamaha. Of these three road commissioners, Audley Maxwell was a conservator of the peace, and had settled a place on Midway river called Limerick.

When subsequently the Province was organized into twelve districts, and a Colonial Assembly was called, consisting of sixteen members, proportioned according to the population of the different districts, the territory extending from Mount Hope on the north to Bulltown Swamp on the south, was called Midway District, and was represented by Audley Maxwell in the Colonial Assembly. This District was called Midway from its supposed equal distance from the rivers Ogeechee and

Altamaha. The excellent character of the lands of this District attracted the attention of a company of persons who had emigrated from Dorchester, New England, and had settled on the northeast bank of Ashley river, about 18 miles from Charleston, South Carolina. In 1752 these Dorchester emigrants proposed a settlement in Georgia, and sent thither three persons to view the lands. On the 16th of May of that year they arrived at Midway. Passing through Savannah they had an interview with the Colonial Surveyor, who informed them of the rich lands lying on the Midway and Newport rivers, and advised them to settle there; and having obtained from the Council of Georgia a grant of 31,950 acres of land in a body, they returned to Carolina and made their report.

On the 6th of December following Mr. Benjamin Baker and family, and Mr. Samuel Bacon and family arrived at Midway and began to settle. They landed first at Mr. Maxwell's and having obtained hatchets they cut their way through vast cane brakes to the knoll on which Midway Church now stands. Soon after Parmenus Way, William Baker, John Elliott, John Winn, Edward Sumner, John Quartermann, and others, arrived and began to settle.

Finding a general disposition in the people to remove, the Rev. John Osgood (their minister) went into the new settlement in March, 1754, and gradually the whole church and society collected and settled there, and became, and remained for 50 or 60 years, the religious element of the District. Of those who had preceded these Carolina emigrants some were Presbyterians, some Scotch-Irish, some Huguenots. Not all who came from South Carolina were originally from New England. Some of the families resident among and around them, who had become connected with them in business and other relations of life, came with them to Georgia, and became identified with them in their ideas, customs and manners. Isaac Girardeau and Richard Girardeau were Huguenots. Of the 42 persons coming into the District from 1752 to 1772 one was from Charleston, 4 from Pon Pon, and 37 from Dor-

chester and Beech Hill. The names of Baker and Sumner and Way are probably of English origin. These settlers associated very little at first with those in the District who had preceded them. They had all the elements of an independent community. They brought their trades with them; some were saddlers, some were tailors, some were carpenters, but a majority were tillers of the soil. Indigo was made to some extent; but the principal object of cultivation was rice. Then houses for the most part were builded on knolls nearest the rice fields. Their houses were as a general thing one story, parlor and chamber, open front piazza, two shed rooms in back piazza, one or two small rooms upstairs under the roof, batten windows and doors, no sashes, clay chimneys, framed and weather boarded, or puncheoned and clayed inside and out. Very little, if any, mahogany furniture. No four wheel carriages. Both sexes went to church and elsewhere on horseback. Afterwards two-wheel stick back chairs were used. If a lady or two ladies rode in the chair, a servant man would ride along the side of the horse in the shaft, with the check rein in his hand. If a gentleman rode with the lady in the chair the servant man would ride on horseback before, or follow, according to fancy. The first four-wheel vehicle for family use that was ever seen at Midway Church was, it is said, owned by Joseph Quarterman, father of Col. Joseph Quarterman, and was painted sky blue.

The District resembled in its physical features and in its climatic and miasmatic characters the country they had left in Carolina—low swamps, and abounding in ponds. Bilious fevers prevailed in summer and pleurisies in winter. For a period of twenty years succeeding the first settlement there were 193 births and 134 deaths. When compared with the number in the church and society, this shows a mortality very large. The greater number of deaths occurred in September, October and November. April, May, June, July and August were the healthiest months, and June healthiest of all.

The character and numbers of these Midway settlers will appear from the following letter written from Savannah,

August 7th, 1752, by the Hon. James Habersham, Secretary of the Colony of Georgia under Gov. Reynolds, to the Hon Benjamin Martyn, Agent for the Province:

"Sir, in the President and Assistants' letter to you of the 28th ultimo, they mentioned that five persons, deputed by 43 families—part of a congregation of protestant dissenters, with their minister in the neighboring Province, had applied for lands to settle here, which was granted; and that it was expected, on their determining to remove, that several more of their brethren would want to join them. Accordingly 28 persons, by their deputies, petitioned the Board yesterday (August 6th, 1752) for lands, and received a satisfactory answer. These 28, with their families, consist of 77 whites and 158 blacks, which, with the former 43 families, make 280 whites, men, women and children and 536 blacks. Part of the first petitioners have gone to have their lands laid out and make the necessary preparations for the rest to follow. These people, with their minister, are not unknown to many in this colony; and we have had an extraordinary character of them from all quarters, which I believe they will justly deserve. They will all be settled as contiguous as possible for the convenience of meeting together in public worship, which they say is a principal object of their removing; for where they formerly resided, many of them were very much pinched for land, and some rented what they occupied, which was very discouraging, and would have obliged them to separate. To prevent this, those who were well accommodated in respect to land proposed to dispose of them and remove with those who wanted.

"They will be settled on the heads of Midway and New-port rivers, about 30 or 40 miles from this town, which will greatly strengthen together these parts. I really look upon these people moving here to be one of the most providential circumstances that could befall the colony. They are all inured to the climate; know how to begin new settlements to the best

advantage; and will be an immediate benefit to the Province by increasing her products, without one farthing's expense to the public."

The church and the school house are the glory of any people. Wherever the true lover of humanity goes, he carries with him the Bible in one hand and the spelling book in the other.

Though pressed by cares, incidental to the forming of a new settlement, surveys to make, lands to open, houses to build, the pious emigrants from Carolina found time to sing the songs of Zion in a strange land. Morning and evening their orisons arose like incense to the God of Heaven. The first building erected in Liberty County, for religious worship, was in 1756, on the north side of the north branch of Newport Swamp, and the first sermon preached in it was on the 2nd of January of the following year. This building was 44 by 36 feet, with a gallery 18 feet in story, pitched roof, hipped at one end, and a small steeple at the other. This house was destroyed by fire in 1778 by a body of armed men under the command of Colonel Prevost in the British service. At the close of the Revolutionary War, a coarse building was put up, near the site of the first meeting house, 40 by 30 feet, with "posts in the ground and the sides filled up with poles." This gave place to another erected on the same spot in 1792, 60 by 40 feet, with a large and commodious gallery.

This church was of the Congregational order, and its members were moderate Calvinists, and receivers of the Westminster Confession of Faith.

Six or seven years after the Midway settlement was begun, Mark Carr, who owned a high sandy and dry tract of land on Midway river, laid off the same into a town, dividing it into streets, lanes and commons. This tract he deeded in trust to James Maxwell, Kenneth Baillie, John Elliott and John Stevens. The town was called Sunbury. It soon rose in commercial importance.

A number of the Midway and Newport planters made it their residence during the Summer and Autumnal months. Immigrants came to it from different quarters, particularly from the island of Bermuda. Large quantities of lumber were shipped from it and from Colonel's Island to the West Indies and other foreign ports; and it was, at one time, contemplated to unite Midway and Newport rivers by means of a canal passing between Colonel's Island and the main land, for the purpose of flatting rice from the Newport plantations to Sunbury. For a number of years it was the mart for trade. The old Sunbury road, cut into the interior of Georgia, and over which large quantities of produce were carried to its wharves, is still in existence, an evidence of what Sunbury once was. Governor Wright, in a letter to Lord Halifax, dated 1763 uses these words in reference to Sunbury: "I judged it necessary for his Majesty's service that Sunbury, a well settled place having an exceedingly good harbor and inlet from the sea, should be made a port of entry; and have appointed Thomas Carr collector and John Martin naval officer for the same. There are 80 dwelling houses in the place. There are considerable merchant stores for supplying the town and the planters in the neighborhood with all kind of necessary goods; and around it, for about 15 miles, is one of the best settled parts of the country."

About 1763 or 1765 a branch of Midway Church was organized in Sunbury and Rev. James Edmunds was engaged to supply its pulpit, and Captain Peacock was chosen deacon. The pulpit of this church was subsequently filled by the Rev. Mr. Hitchcock and the Rev. William McWhir. Subsequently another church was gathered in Sunbury, and another building erected, under the auspices of the Baptist denomination.

In 1802 Rev. C. O. Screven, who was born at Screven Hill, St. John's Parish, in 1773, and was graduated at Brown University, was settled over this church; and, after a useful life and successful ministry, died in the city of New York, in the year 1830, and was succeeded in his pastoral charge by the Rev. Samuel Spry Law.

In 1818 a second Baptist Church was constituted not far from Riceboro, and the Rev. Thomas Sumner Winn was installed its first pastor. Mr. Winn's connection with this church was of short duration. Little did his friends, who loved him so tenderly, and who were so tenderly beloved by him, little did they think, when they settled him as pastor, how soon they would be called to feel the pang of separation; how little did those who had listened to him with so much profit, imagine how soon they would lose the benefit of his instruction and his example. But such was the appointment of Heaven. He was destined to run a short race, he soon reached the goal, but the church lost a faithful, zealous, persevering and devoted minister.

Mr. Winn was succeeded in the pastoral charge by the following ministers, in the order in which they stand: Rev. Henry J. Ripley, D. D., Rev. S. S. Law, and Rev. Josiah Law, Rev. Augustus Bacon, Rev. Thomas Curtis, Rev. Mr. Stevens, and Rev. Josiah S. Law.

In the meantime the swamps of Newport river had been explored. Settlements farther west began to increase in number, and it was found inconvenient to transport to Sunbury so bulky and heavy an article as rice. Newport river being found navigable for sloops, it was determined to bridge it near its source, to prepare a landing, and ship directly to Savannah. Hence arose what was called the "Bridge War"—Sunbury against the Bridge, and the Bridge against Sunbury. Hostile feelings were excited, angry words were spoken, paper bullets were shot, but westward "the march of empire took its way." Rice would be carried to the Bridge, and the Bridge became Riceboro.

Riceboro was settled about the commencement of, or a little before, the Revolutionary War. It did not, however, rise into any importance till after the war. For a number of years it was the mart of trade for the county—was the place for balls and military parades.

By an Act of the Legislature, passed in 1784, all county elections and courts were to be held at Sunbury; but in 1796 an Act was passed, authorizing the Justices of the Inferior Court to call a meeting of the inhabitants of the county to express, by ballot, their choice of a place for a permanent court ground, and it was decided, by a large majority, that North Newport Bridge was the most eligible place, and, in the following year, Riceboro became the capital of the county, and Thomas Stevens, Daniel Stewart, Peter Winn, Joel Walker, and Henry Wood were made commissioners to superintend the erection there of a court house and jail. The ground on which the court house and jail stood was donated by Matthew McAllister. For a space of 39 years Riceboro continued to be the county site; but in the year 1836, the court house and jail were removed to Zouck's Old Field.

The settlers at Midway were not unmindful of the education of their children. Among the first native Georgians who were graduated at an American college, was the son of John Elliott who came into the colony as early as 1754. The father was a delegate to the Legislature of Georgia under the administration of Governor Reynolds. The son filled with distinction the office of United States Senator. These Carolina immigrants to Georgia were among the first in the Province to patronize collegiate institutions. May their sons be the last to withhold from them the fostering hand. In proportion to its wealth and the number of its inhabitants, it may with truthfulness be said that no county in the State has contributed more liberally to the cause of education than the county of Liberty. It has given two governors to the State; two judges to the Eastern Judiciary Circuit; an able professor to a theological seminary; to the Presbyterian and Baptist and Methodist denominations many of their ablest and most useful ministers. Six of her sons have been elected to chairs of professorship in three of the colleges of Georgia. One has filled the office of United States Senator, and one as foreign minister to the Court of China.

There are no records from which we may learn, with any degree of certainty, the character and location of the schools that existed previous to the Revolutionary War. The writings of Benjamin Andrew, Benjamin Baker, Rev. John Osgood and a few others, that we have examined, in the forms of diaries and letters, show that they were men of deep thought, religious sentiment, and solemnly earnest in all they did or said. They expressed themselves clearly and intelligently. Their hand-writing was open, bold and easily read. They show an acquaintance with the writings of the best authors of their day; and there is every evidence that these men were not ignorant of the rules of grammar, nor the principles of logic.

Such men would undoubtedly throw their influence in favor of schools and education; and the probability is that the schools in the settlement would compare favorably with the schools in any part of the Province. School houses were erected in different parts of the District, for neighborhood accommodation. One at William Girardeau's plantation on the Sunbury road, about one mile southwest from Midway Church. A school was kept by a Mr. McLain, near the junction of the Riceboro and the old Sunbury roads. A Mr. Ward kept a school at Midway Church, and was succeeded by Mr. Nathaniel Baker about the year 1796. There was a school house about two miles from Riceboro on the Darien road; also on Jourdine's Hill, kept by Mr. Elijah Baker, about the year 1795.

But perhaps the largest and most important school in the District was the one that was incorporated in 1788, and was located at Sunbury and taught by the Rev Mr. Hitchcock. The commissioners, as named in the act of incorporation, were Abiel Holmes, James Dunwody, John Elliott, Gideon Dowse and Peter Winn. That this school was a school of high grade would appear from the following program of the grades of study and rates of tuition, as published in the Georgia Gazette:

Reading, writing and arithmetic	4 lbs. 13 shillings
Latin and Greek	5 lbs. 10 sterling

In 1789 the students of the Academy gave a public exhibition. The introductory prayer was offered by the Rev. Abiel Holmes, after which an ode, composed for the occasion, was sung and a number of dialogues performed. The pupils were examined in spelling, English grammar, geography and in the Latin language. The Judge of the Court, the Assistant Justices, the Commissioners of the Academy, several gentlemen of the bar, together with a numerous collection of ladies and gentlemen from the town and country composed the auditory. In 1793 Mr. Hitchcock was succeeded by Rev. William McWhir, who was born in Ireland in 1759, and received his collegiate education in Belfast, and such was the reputation of his school in Sunbury that students came to it from almost all parts of the State.

About the time of the removal of the court house to Riceboro, the citizens in that neighborhood came together and appointed Jas. Powell, Benjamin Law, Henry Wood, John Stacy, John Warren, Simon Fraser, James Cochrane, Thomas Bradwell, and the Rev. Mr. Cloud, a committee to co-operate with Rev. Cyrus Gildersleeve, Peter Winn, Daniel Stewart and Thomas Stevens, the legally appointed commissioners of a second academy to be established in the county, in devising some suitable plan for the promotion of education; the result of which proceeding was the establishing of an academy one mile north of Riceboro called the Newport Academy.

The Midway and Newport people builded their houses near the swamps. In consequence of this, and the want of knowledge of the diseases of the climate, and of the preventives and remedies to be used, sickness prevailed, and numbers were cut down before they had reached the meridian of life. To escape the fevers of Autumn, recourse was had to a removal from the plantations during the sickly season. This gave rise to Summer retreats.

A number of families removed to Sunbury and Colonel's Island, where, between the pleasures of social intercourse and the sport of angling, they found a pleasant retreat during the

scorching days of August, and the sickening suns of September. Whilst some families sought the seashore as a residence for the summer months, others removed to the banks of the Canouchee, where the excitements of the chase, the winding of the horn, and the full cry of the pack, excited the young and rekindled the ardor of the old. But the distance of Canouchee from the plantations made it inconvenient to the planters to reside there; and on the old Sunbury road a gravelly spot was selected as a more convenient retreat from the miasma of the swamps. Here Fleming and Winn and Osgood and others made their summer homes. Here a church was erected, a school was built up, and in process of time it received the name of Flemington, in honor of one of its first and most active settlers. About, or perhaps a little prior to, the time of the settlement at Flemington, the rich lands of what is now known as the "Desert" began more particularly to attract the attention of planters, and its dense forests of trees to give place to fields of grain. The sandhills adjoining the head streams of North Newport river offered a convenient retreat to those who planted the swamps of that river. Here Walthour and Bacon, Stewart and Anderson, Hines and Mallard, Lewis and Way, Quarterman and Mell, and others, passed some of them the whole and some a part of the year. Here also a church was builded and an academy incorporated. In the lapse of time, the name Sandhills was merged into that of Walthourville, in honor of Andrew Walthour, who donated to the community a lot of land for educational purposes.

The planters on the head waters of South Newport river sought health and pleasure in the adjoining pine lands, and named their retreat Jonesville, in memory of Samuel Jones, its first settler, who died at an advanced age, having filled the office of deacon in Midway Church for a number of years.

On the removal of the court house from Riceboro to Zouck's Old Field, Charlton Hines, Enoch Daniels and W. E. W. Quarterman were appointed commissioners to superintend the building of the court house and jail. Here they laid

out a town and called it Hinesville in honor of Charlton Hines, who, for a number of years, represented the county in the General Assembly, and whose business activities, unwearied energy and unstinted hospitality were known of all men, and are not yet forgotten. Here Hines and Bacon and Baker and Bradwell and Fraser and others made their homes, and here a church was builded and a school established. The sea coast of the county, from some unknown cause, failing to sustain its character for healthfulness, and the retreats in the pine lands being at too great a distance from the plantations of the planters in the lower parts of the settlements, they selected a site for a retreat a few miles west of Sunbury, and named it Dorchester, where Baker and Busby and Delegal and Winn and Allen and Capt. Mallard and Dr. R. B. King and others removed, and where a church and an academy were soon established.

These retreats, together with the development of the fertility of soil, and healthfulness of climate in the upper parts of the county, and the progressive course of those who had settled along the banks of Taylor's and Jones' creeks, gave an impetus to the cause of education, and the noble praiseworthy rivalry among the different teachers soon placed the schools of the county among the first in the State.

The educational efforts of the citizens of the county were not confined to those of their own color. At the time Dorchester settlement was made on Ashley river, slavery existed in Carolina, and if the immigrants were not slaveholders before they left Massachusetts they became so shortly afterwards.

In erecting the meeting house at the "cross path" care was taken by settlers to provide for the colored persons. The house was provided with galleries in which the negroes sat and enjoyed the same religious instructions that were imparted to the whites.

During the ministry of the Rev. Abiel Holmes, Mingo, a man of color, commenced preaching to the colored people, with the approbation of the church and society. A place was fitted

up for him near the meeting house, called the "Stand," and a platform was raised from which he preached on Sundays, between the morning and afternoon service. He held religious meetings also at a number of the plantations, and was beloved and highly esteemed. With Mingo was associated Jack Saltus, who was bought by Midway Church, in consideration of his piety and services. Jack Saltus was succeeded by Sharper Quarterman (a servant of old Aunt Sally Quarterman), a man of remarkable piety and energy of character. He not only preached at the "Stand" near the church, as his predecessors had done, but he labored with apostolic zeal, more abundantly than them all, at the different plantations. He died in 1833, full of years, universally lamented. His funeral was held on the green in front of Midway Church, by the light of the moon. Hundreds were in attendance. The coffin was opened; the moon shone upon Sharper's face; the people gazed upon it, and lifted up their voices and wept.

During the ministerial services of Rev. Robert Quarterman, in connection with Midway Church, the duty and the best means of adopting some general and systematic plan for instructing the colored people became subjects of conversation with the ministers and members of the different churches. To carry out these views a public meeting was held at Riceboro; and under the auspices of the Rev. C. C. Jones an association was formed, called "An Association for the Religious Instruction of the Negroes." In connection with this association, Rev. (afterwards Doctor) C. C. Jones accepted a commission to preach to the colored people; and the wonderful success of his gratuitous labors in this missionary field is known of all men.

The charred timbers and piles of rubbish had scarcely been removed from their old homes, made desolate during the Revolutionary War, when the inhabitants of the county were called on to build forts and take defensive measures against the hostile invasions of the neighboring Indians. As a measure to oppose these predatory incursions a public meeting was

called in 1788, at which it was resolved to raise a company of light horse for the defense of the county, to consist of a captain, 2 lieutenants, 2 sergeants and 40 privates. Michael Rudolph was chosen Captain. John Whitehead, 1st Lieutenant, and John Croft, 2nd Lieutenant.

Whether this organization of Capt. Rudolph's company is the origin of the Liberty Independence Troop, the records of this corps do not show. They do, however, show that the company was in complete organization in 1794, under the command of Capt. Simon Fraser; and that Capt. Fraser was succeeded successively by Captains J. B. Girardeau, Sam'l S. Law, Joseph Jones, William Maxwell, William Baker, Joseph Law, P. W. Fleming, David Anderson, E. H. Bacon, Cyrus Mallard, Abiel Winn, W. L. Walthour and W. A. Fleming, its present commanding officer.

In battling with the savage foe, Liberty was not unaided. "If Liberty fall Chatham becomes the frontier exposed to all the horrors of an Indian war." Thus reasoned Col. Hammond, as he appealed for volunteers to the Chatham Regiment. "My corps will march at a moment's warning," responded the brave commander of the Chatham Artillery; and before night-fall 30 men, under the command of Lieut. Robertson, with guns on carriages, were on their way to Fort Saunders in Liberty County. The second night after leaving Savannah they encamped at Midway Church, and slept in the meeting house. "The next day," says Mr. Charles Spalding—the youngest member of the corps—"we reached the fort, about 4 o'clock in the afternoon. One half of our force scoured the country every day. Our morning and evening guns echoed through the woods. For my own part I never was happier. I was educated in Liberty County. My friends loaded me with kindness. Mr. Cooper sent me brandy and sugar, Capt Whitehead sent me mutton and other things. In our mess we have Isaac Lagardau, the best singer and the best cook in camp."

About the year 1844 a few public spirited men, in the upper parts of the county, agitated the subject of organizing another

company of horse; and their efforts were nobly responded to. A company called the Liberty Guards was speedily formed and properly officered. Enoch Daniels was elected its first Captain. This company is now under the command of Capt. William Hughes.

A third company of horse was organized at the commencement of the late war, under the command of W. G. Thompson, as captain, B. S. Screven and J. E. Way, as lieutenants, and John E. Baker, sergeant.

In the year 1861 a company of Infantry was organized under the command of W. S. Norman, as captain, S. D. Bradwell, W. J. Winn and W. H. Butler, lieutenants, and was called the Liberty Volunteers.

The Altamaha Scouts was organized in 1861, and its first officers were George T. Dunham, captain; A. J. Hughes, James M. Smith and J. M. Johnson lieutenants. These three companies of horse and two companies of infantry responded promptly to the call of the Confederate States, and, with swords unsheathed, and banners flying, hastened to support their cause on the field of battle. Some fell in the bloody conflict, some were made prisoners of war, and few returned to their homes unmaimed or unscarred.

On the 6th of December, 1852, the one hundredth anniversary of the Midway and Newport settlement was celebrated at Midway Church, with becoming festivities. On Sunday, the 5th, a sermon appropriate to the occasion was preached by the Rev. I. S. K. Axson, D. D. On Monday following, at early dawn, the morning gun was heard. A brass band, provided for the occasion, gave charm to the Star Spangled Banner, as it floated from a liberty-pole erected on the green. At 7 o'clock one hundred guns were fired. At 9, hundreds of people began to assemble. At 11 the procession was formed, the Rev. Clergy on the right; the Chatham Artillery, who had generously volunteered their services for the occasion, next; and the citizens on the left. Under the command of Capt.

P. W. Fleming, chief marshal of the day, the procession moved to the church, where, after prayer had been offered by the Rev. T. S. Winn, an address on the history of "The Settlement of Midway and Newport," was delivered by Prof. John B. Mallard.

After the address and the ceremonies of laying the cornerstone of a mounment to be erected to commemorate the settlement in 1752, the citizens and invited guests repaired to tables loaded with all that was tempting to the taste.

On Tuesday, the 7th, the morning gun was again fired, the national banner again thrown to the breeze; throngs again hastened to the church; a procession was again formed; an able and eloquent oration was pronounced by the Hon. William Law; and the festivities of the previous day were renewed. Sentiments were expressed in the giving of toasts, and spirited addresses were made by Law, Dunham, Screven, Way, Stevens and others; and throughout the various ceremonies of the occasion there was but one expression of feeling—that of the highest enjoyment and satisfaction.

The upper parts of the county no doubt afford materials for instructive and interesting history; but the efforts of your speaker, made before the war, and particularly within the past few months, to obtain information as to the names and condition of the first settlers on Taylor's and Jones' creek, and in the 1132 and 24th Districts, and the dates of these settlements having in a great measure failed, he regrets that he has not come in possession of materials out of which to weave a historic narrative. Enough, however, is known of these portions of our county to warrant the assertion that they have increased largely in population, wealth, religious and school privileges, and that the marks of improvement, enterprise and thrift are visible on every hand.

There are, in the county, 17 regularly organized churches: 5 Presbyterian, 5 Baptist, 6 Methodist and 1 Congregational. Of the five Presbyterian churches, two are composed of colored

members under the care of Rev. J. T. H. Waite and Rev. Joseph Williams, and are in ecclesiastical connection with the Presbyterian Church North. The other three, Walthourville, Flemington and Dorchester, are under the pastoral charge of the Rev. J. W. Montgomery.

Of the 5 Baptist churches, North Newport, Jones' Creek and Enon are under the ministerial care of the Rev. D. G. Daniels. Taylor's Creek and Elim are in charge of Rev. John G. Norris.

Jones' Creek was constituted in 1810, by Rev. Mr. Westberry, its first pastor, and has a membership of 145.

Rev. John M. Marshall is preacher in charge of the following Methodist Episcopal Churches: Hinesville, Taylor's Creek, Wesley Chapel, Olivet and Trinity. Of these churches Taylor's Creek is the oldest, having been organized about the year 1800, on which occasion, Mr. James Darsey, now living and 99 years of age, was present, and of which church he was a class leader for a number of years; and when the camp ground was laid off, he cut the first pole that was used in the erection of tents.

The Congregational Church in the county is composed of colored persons and is in charge of the Rev. Floyd Snelson.

Of the 45 or 50 ministers of the Gospel, natives of the county, some of whom have spent, and others are now spending, the vigor and strength of their lives in the dispensation of religious truths, there have labored in foreign lands: Edward W. Stevens, 40 years in Burmah, and John W. Quarterman and Richard Q. Way in the Celestial Empire.

PRIVATE HIGH SCHOOLS IN 1875

Name	Location	No. Pupils
Bradwell Institute*	Hinesville	60
Walthourville	Walthourville	48
Jones' Creek	Jones' Creek	25
Taylor's Creek	Taylor's Creek	59
Tranquil Institute	Flemington	21

*Authorized to confer diplomas.

NUMBER OF PUBLIC SCHOOLS

For Whites -----	20
For Colored -----	17
Total -----	37

SCHOLARS ADMITTED

Whites -----	431
Colored -----	1,032
Total -----	1,463
Average Attendance -----	1,200

The County officers at the present time are John L. Harden, Judge, and T. N. Winn, Solicitor, of the County Court; John B. Mallard, Ordinary; Henry Way, Clerk Superior Court; J. M. Darsey, Sheriff; Seaborn Jones, Tax Receiver; Jesse Brewer, Tax Collector, and William Hughes, County Surveyor; Wm. Darsey, H. C. Parker, John B. Mallard, Jas. M. Smiley and John R. Middleton, Board of Education; John B. Mallard, School Commissioner; N. Brown, I. M. Smith and G. Amason, County Commissioners.

From the foregoing brief history of the first settlers of our county, we may infer that our ancestors were emphatically a religious people; that they were friends and supporters of the cause of education and benevolence; that they were keenly alive to whatever appeared oppressive on the part of rulers; that they were always ready to respond to their country's call. May their descendants follow the example, and illustrate the noble qualities of their noble sires. They breathed the air we now breathe; they drank of the springs from which we now drink; they cultivated the lands we now plant; they passed through trials as great as those through which we have recently passed; they met with losses as heavy as those we have recently suffered; yet they turned not their backs on the land of their birth, nor sought homes far away from the scenes of their childhood.

Let us, then, fellow citizens, rise from the "slough of dispond," take our harps from the willows, and play a livelier strain; and, mid snow and ice, let us bear aloft a banner, with this as our device *Resurgemus*, and time will show that there is "life in the old land yet!"

SIR JAMES WRIGHT

Governor of Georgia by Royal Commission,
1760-1782

By WILLIAM HARDEN

Before the surrender of the charter, the only Governor of Georgia acting under the Trustees was General James Oglethorpe; but for a period of nearly eight years, from July, 1743, to April, 1751, William Stephens, President of the Council, acted as Governor in the absence of Oglethorpe. The latter left the Colony in 1743, and never returned, but held the office until June 9, 1752, at which time he, with the other Trustees, turned the affairs over to Henry Parker, who, as President of Council and therefore acting Governor, held the reins of government from the time Stephens retired until October 1, 1754.

The Trustees resigned June 9, 1752, and then Georgia became a royal province with Parker in office, without commission, until John Reynolds, the first appointee under the crown, accepted the office October 1, 1754, and served until February 15, 1757, when he was succeeded by Henry Ellis. Ellis served three years and eight months, and delivered up the office to Sir James Wright, October 31, 1760, as Lieutenant Governor, by commission dated May 13.

If length of service be the only proof of satisfaction with the management of affairs by the appointee, then the subject of this sketch, by reason of his holding the office of Lieut. Governor for two years and Captain-General and Governor in Chief of the Province of Georgia for twenty years, thoroughly evinced his acceptability, first to King George II and afterwards to George III. His commission for this office was dated March 20, 1767. But Sir James Wright was no ordinary man, and his retention was based upon grounds of honor, integrity, worth, and the

possession of that high degree of executive ability which became more manifest as his tenure of office was prolonged. He was not all the time in a calm and contented state of mind, however, and often the cares and responsibilities of his position weighed heavily upon him, so much so that he repeatedly hinted in letters to his superiors that they were more than he had the patience to bear or judgment to surmount. Some times his words conveyed more than a hint, as when he said on the 10th of July, 1775, "I begin to think a King's Governor has little or no business here," and again, on the 18th of the same month, "I am humbly to request that his Majesty will be graciously pleased to give me leave to return to England in order to resign the government." But, despite all that, he was made to see that his services were estimably rated and that he was deemed worthy of the trust confided to his keeping, and he held on until the cause of the Americans was successful and the thirteen colonies lost to England.

It will appear from the foregoing remarks that there was but one English Governor in Georgia during the whole of the Revolutionary period; but on the side of the opposition there were no less than twelve men who, in the same length of time, held the office of chief executive, some for a very short term. At the outbreak of the troubles William Ewen was made President of the Council of Safety, and from June 22, 1775, to January 20, 1776, he was recognized as the leader of the patriots, the board which he presided over having practically all the powers that the opposition was willing to assume. Sir James Wright himself reported: "The Council of Safety seems to be the Executive Branch in each Colony, subject to Provincial Congress." Archibald Bulloch was made President of the Provincial Congress which met July 4, 1775, re-elected at the next Congress, June 20, 1776, and served until February 22, 1777, when he was clothed with extraordinary powers "to take upon himself the whole executive powers of government, calling to his assistance not less than five persons

of his own choosing to consult and advise with him on every urgent occasion when a sufficient number of councilors can not be convened to make a board," and he died before the end of the month. After him came Button Gwinnett who, as President of Council and Commander in Chief, held control until May 8, 1777, surrendering the trust to John Adam Treutlen at that time elected by the legislature. Treutlen's tenure was of short duration, lasting just eight months, John Houstoun succeeding him by election of the Assembly, January 10, 1778. On the 29th of December, 1778, Executive Council elected John Wereat with the title of President, and, in less than eleven months, on the 4th of November, 1779, he was succeeded by George Walton, who was Governor two months, giving way to his successor, Richard Howley, January 4, 1780. Mr. Howley's administration lasted one year, and Stephen Heard, as President of the Council, was chief executive from the end of Mr. Howley's term until August 16, 1781, retiring on the election of Nathan Brownson. Mr. Brownson became Governor in August, 1781, served six months, and his successor, John Martin, went into office the following January, 1782. Martin's term lasted a full year, and he was followed by Lyman Hall, in January, 1783. Governor Hall was the last of the Governors opposing the British rule, and when his term expired the independence of the United States was firmly established.

To those not acquainted with the ancestry of Sir James Wright, the subject is worthy of interest and consideration. His great-great-grandfather was Thomas Wright, of Kilverstone, England, whose wife's name we do not know. The third son of this gentleman was Jermyn Wright, of Wrangford in Suffolk, and he married Ann Bachcroft, this couple being the great-grandparents of Sir James. Next we have the name of Robert, son of Jermyn and Ann, who became Justice of the King's Bench, and presided at the trial of the seven Bishops in the time of James II. He married Susan, daughter of Matthew Wren, Bishop of Ely, and they were the grand-

parents of the subject of this sketch. Robert and Susan's son Robert, of Sedgfield, England, was the father of Sir James. His wife, Isabella, was also a Wright, married a Mr. Pitts, and as his widow married Robert Wright, and she was the mother of Sir James, who was their fourth son, born in Russell Street, Bloomsbury, May 8, 1716. The father and mother moved to South Carolina, of which Province he became Chief Justice, holding that office at the time of his death. The son, James, probably received his education in England, but on being admitted to the Bar pursued his profession in Charleston, afterwards receiving the appointment of agent of South Carolina in Great Britain. The statement made by a number of writers that Sir James Wright was a native of South Carolina is wrong. Investigation proves that the time and place of his birth as given above are correct.

We are not acquainted with the circumstances which brought about the appointment of the man to so high a position as Governor of a King's Province in America, but we do know that from the very beginning of his administration until it came to an end by the failure of Great Britain to retain her hold on her valuable possessions on this side of the Atlantic, he, notwithstanding his occasional letters of despondency and sometimes of despair, always had the backing and support due to one holding the highest esteem and trust of those to whom he was responsible for his acts.

Sir James Wright, after finishing his studies and receiving his license, began to practice his profession in Charleston, S. C. In 1740 he married Sarah, only daughter of Captain Maidman of the British Army, and on a voyage back to England, in 1763, she was drowned.

The first act of importance accomplished by the new Governor—and it was one of very great consequence—was his course in frustrating the attempt of Governor Thomas Boone, of South Carolina, to extend his jurisdiction over a portion of territory bordering on Florida, south of Georgia. Had the plan of Boone succeeded, South Carolina would have

acquired an extensive domain beyond her own limits with Georgia intervening. The story is too long to relate in this place, but the result was all that Governor Wright could desire. When informed of the intention of Boone to issue grants to land south of the Altamaha, Wright made a strong protest, addressed to Boone, "against all and any attempt whatsoever to survey any lands to the southward of the aforesaid river Altamaha, by pretence or color of any authority from or under the Governor or the Governor and Council of South Carolina." After much correspondence and diplomatic work, the difficulty was removed by the action of King George III who, by proclamation, dated October 7th, 1763, annexed to Georgia the territory included in the grants, extending the limits of the Province southwardly from the Altamaha to the St. Mary's river. That matter being settled, it became necessary to make known to the Indians the circumstances of the transaction, and to secure their friendship. On the advice of the King the Earl of Egmont, provincial Secretary of State for the Southern Department, proposed a convention of the various tribes, in order to obtain the desired results. Governor Wright suggested Augusta as the place of meeting, and the congress was held there on Saturday, November 5, 1763. The Governors of Georgia, North and South Carolina and the Lieutenant-Governor of Virginia, together with Mr. John Stuart, Superintendent of Indian Affairs, met at the time appointed, and had the satisfaction of finding the large number of seven hundred Indians present as an indication of their interest in the business which brought them together. Governor Wright opened the conference with a talk, and his influence upon the Indians resulted in much good to Georgia in particular.

Until the beginning of the troubles, starting with the Stamp Act, which forced him to side with the mother country, Sir James was most acceptable to the people of Georgia who recognized his worth and gave him credit for the ability which he so richly possessed. Of him Capt. Hugh McCall wrote: "The government had been given to a man who wanted neither

wisdom to discern nor resolution to pursue the most effectual means for its improvement * * * He proved a father to the people and governed the Province with equity and justice." With the passage of the Stamp Act, however, and the consequent change in the attitude of the colonies towards Great Britain, the Governor's conduct was not pleasing to the party protesting against his attempts to enforce the measures of oppression which he, as a loyal Briton, felt obliged to support. So complete was the change in his course of conduct that the words used by him in a letter to Secretary Conway, on the 31st of January, 1766, are a fair sample of his feeling brought about by the opposition to that oppression. He said: "It is with the utmost concern that I am to acquaint your Excellency that the same spirit of sedition, or rather rebellion, which first appeared at Boston has reached this Province, and I have for three months past been continually reasoning and talking with the most dispassionate and sensible people in order to convince them of the propriety of an acquiescence and submission to the King's authority * * * but, sir, I must at the same time declare that I have had the great mortification to see the reins of government nearly wrested out of my hands, his Majesty's authority insulted, and the civil power obstructed."

With the repeal of the measure causing the first excitement in the beginning of the struggle against British injustice, affairs in Georgia settled down to comparative quietness, and with the exception of some warm discussions with a number of the members of the Commons House of Assembly, and other persons, there was no matter of sufficient importance to specifically mention for a few years following. His conflict with the Legislature, involving the suspension of Jonathan Bryan, a member of his Council, from his position, Wright's refusal to sanction the choice of Noble W. Jones as Speaker of the House, and other matters of a like nature, are so well told in the historical works bearing upon that period that no particular notice of such matters will be taken here. Sir James, taking advantage of the lull in the political field, and feeling that he could safely depend upon the loyalty and executive

ability of the oldest member of his Council, James Habersham, applied for a leave of absence which was granted, and he left Georgia on the 10th of July, 1771, for England where he remained until the middle of February, 1773. During his stay in England the king complimented him with a baronetcy.

In the last mentioned year Governor Wright made a full and interesting *Report on the Condition of the Province of Georgia*, in the form of "answers to heads of inquiry in obedience to his Majesty's commands, signified by the Earl of Dartmouth," received September 14th, 1773.

With the year 1774 he began a regular correspondence with Secretary of State Lord Dartmouth, in which he freely expressed his views on the subject of the "proceedings of the Liberty people," and giving a woeful account of the trouble he had in complying with the policy of his government with respect to the measures to keep down the spirit of freedom and independence. On the 24th of August he made use of this language: "As in the time of the Stamp Act, I am to be reflected upon and abused for opposing the licentiousness of the people"; and "In short, at such times as these if a man has resolution and integrity enough to stand forth and attempt to do his duty it's like being set up as a mark to be shot at and raising the resentment of great numbers against him. However, altho' this is very disagreeable, I shall not regard it."

With every succeeding letter he shows more clearly his disappointment at the opposition to the government headed by him, and at times he even deplores the fact that he has to remain and bear the trials to which he was subjected. On the 17th of June, 1775, he wrote: "It gives me much concern * * * that on Thursday the 13th inst. the Liberty folks here assembled in the town of Savannah and put up a liberty tree and a flag, and in the evening paraded about the town I am informed to the number of 300, some say 400. * * * The liberty tree and flag were kept up from Tuesday morning till now and is still flying in contempt and defiance of the Court and all law and government, and which here and else-

where seems now nearly at an end." On the 20th, three days later, he informed the Secretary of the way the North Carolina patriots were acting, in these words: "By the enclosed paper your Lordship will see the extraordinary resolves of the people in Charlotte Town, Mecklenburg County, and I should not be surprised if the same should be done everywhere else."

On the 10th of July of the same year he reported the capture by the Liberty Boys of a quantity of gun powder, and of the seizing of some of his letters, both private and official, and his indignation was so great that he wanted to resign at once and go home. This is what he said: "It being impossible, my Lord, for me to submit to these daily insults, I must again request his Majesty will be graciously pleased to give me leave to return to England. * * * Mr. Habersham is gone to Philadelphia for the recovery of his health, and I begin to think a King's Governor has little or no business here." The next day he reported that six tons of powder had been taken from a ship by the "Liberty Folks," and expressed the hope that some way to end the troubles might be found, thus: "Pray God grant a happy and speedy reconciliation!" A week later he renewed his desire to resign in these words: "I am humbly to request that his Majesty will be graciously pleased to give me leave to return to England in order to resign the government." Once more he seemingly with sincerity gave out the hope that a way to settle the whole question without a resort to arms might be found, saying: "Your Lordship will be the best judge what is most proper to be done, but I beg leave again most heartily to wish that conciliatory measures may speedily take place, or total ruin and destruction will soon follow, and America lost and gone!" And in a postscript he added: "I beg leave to repeat that no correspondence is safe. I dare not venture a single letter by the post to Charles Town for the packet, but under cover as private letters."

He had the most hearty contempt for the younger set of American patriots, known throughout the provinces as "Liberty Boys," and whom he called by various names, and his

letters are filled with disrespectful allusions to them. It is true that they were hot-headed and thoughtless in planning to counteract the measures of the Tories and Loyalists, and they were not particular in the manner of inflicting punishment upon those who were high in office or influential in the community. Those youths were thorns in the side of the Governor, and were especially severe in the treatment of himself and his loyal English followers. He gave a full and dramatic account of their dealings with the Rev. Mr. Haddon Smith, rector of Christ Church, whom they commanded to cease preaching or to preach as they directed, and was consequently so distressed that, in the Governor's words, "on the 25th instant (July, 1775) he left the town and went over into Carolina; the reason given for this, is because he refused to preach a sermon and observe a fast which had been directed by the Continental Congress." The parson, four days later, made affidavit, declaring the facts in the case, and stating that one of his persecutors, Peter Taarling, speaking for a crowd of which he seemed to be the leader, used these words to him: "Sir, from your late conduct in disobeying the orders of the Congress, you are deemed an enemy to America, and, by order of the Committee, we are to inform you that you are to be suffered no longer to officiate in this town." It is scarcely believable, at this length of time since the recording of those incidents, that among those turbulent young fellows who got on the nerves of the Royal Governor, and who were recognized by the good parson as among his unwelcome visitors on that occasion were the honorable George Walton, afterwards a signer of the Declaration of Independence and Governor of Georgia, honorable Edward Telfair, afterwards a member of the Continental Congress and Governor of this State, and Oliver Bowen, afterwards Commodore of whatsoever Georgia had in the way of a navy in the War of the Revolution.

But the loyal Governor had a far more thrilling experience with those Liberty Boys later on than he dreamed of having when he expressed his contempt for them in the early days of which we are writing. He was so overcome with anger at their

conduct that he said to Lord Dartmouth, in a letter on the 7th of August, 1775: "It gives me great concern that every letter I now write to your Lordship is to give you accounts of the very illegal, insolent and dangerous transactions of the Liberty People here." He then recorded the fact that they had set at liberty a man imprisoned by order of the Chief Justice for enlisting men in Georgia for a South Carolina regiment of American patriots, and ended the account with this passage, showing his indignation: "And on the 5th he (the released prisoner) went through the town with a drum, beating up for men, and passed close by the Chief Justice's door; also came very near my house. Unparalleled insolence, my Lord! And this is the situation his Majesty's government is reduced to in the Province of Georgia!" His complaints against the unheeding of his suggestions for relief culminated in a letter of September 23rd, 1775 when his language was that of one in the depths of despair.

At length, the Council of Safety held a meeting on the 12th of January, 1776, and determined to resort to strenuous measures in order to quiet the anger of their implacable enemy. Their purpose was to arrest the Governor and place him in solitary confinement. His home was in St. James Square, where the Telfair Academy of Arts and Sciences now stands. Major Joseph Habersham, who was probably one of the young patriots who had already given the honorable gentleman much annoyance, selected a party of which he was the leader, volunteered to make the arrest the same evening, and, marching to his home just at the time when they knew he was closeted with his Council in a momentous conference, that inexperienced officer walked past the sentinel at the door, entered the Council room, placed his hand on the Governor's shoulder, and said, "Sir James, you are my prisoner!" The act was so sudden, bold and daring that the members of Council, as well as any others who might have been present by invitation, or on business, waited not to see what next would happen, but hastily got out of the house, leaving their surprised leader to make the best terms he could with his captors. He was forced

to make a solemn promise to make no attempt at escape, to refrain from any endeavor to communicate with the officers and troops on the ships at Tybee, and a guard was placed over the premises; but he watched for an opportunity to escape, notwithstanding his promise, and succeeded in doing so on the 11th of February. His friends, by way of excuse, for his non-observance of the oath of parole, circulated reports that he was daily subjected to the insults of the hot-headed patriots, and even that he had been shot at. It is probable that some shots were fired by careless persons through the windows of his house, but it is doubtful whether he was at any time in real danger. He had treated the defenders of American liberty and justice with the greatest disrespect and refused to show them any consideration whatever, and so he was made the victim of their just retaliation. His loyalist friend, John Mullryne, aided him in his escape, and to his place at Bonaventure he made his way, and thence he was taken by a waiting boat and crew to the armed ship Scarborough, lying off Tybee.

He remained on the Scarborough certainly as late as the latter part of March, as, on the 27th of that month, he addressed a letter while on board of her to Lord George Germain, of no particular interest in this sketch. He went from Georgia to Halifax where he arrived, according to his own statement, April 21, 1776. There he did not make a lengthy stay, but proceeded to England, and of his life there we know little.

Of the siege and capture of Savannah by the British forces under Colonel Archibald Campbell, in December, 1778, nothing need be said here. When the result was known in England, Sir James Wright was ordered back to Georgia, and he reached Savannah July 14, 1779. The condition of affairs in the Province at that time was not satisfactory, as by his statement in a letter written on the 31st he said, "I did not find the Province by any means in that state of security which I expected," and on the 9th of August he added, "The more I am able to see into the true state of affairs here the more I am convinced of the wretched situation the Province is in."

We have no more letters from him until the 5th of November, after the successful defense of Savannah by the British garrison against the siege of the combined American troops and the French allies. On that day he wrote an account of the affair to Lord George Germain, beginning with this highly exciting statement: "Since I had the honor of writing to your Lordship last * * * we have met with a very unexpected, alarming, and serious scene, especially in this part of the world, for no man could have thought, or believed, that a French fleet of 25 sail of the line, with at least 9 frigates and a number of other vessels, would have come on the coast of Georgia in the month of September, and landed from 4,000 to 5,000 troops to besiege the town of Savannah." After recording the fact that on the 15th (really the 16th) of the month named, Count d'Estaing sent a summons to General Prevost to surrender the town and Province to the *King of France*, he declared that it had been "the unanimous opinion and resolution of the civil and military that the town should be defended," and added that he had harbored "strong reasons to apprehend and fear the contrary." It is on record that the strong reasons were only averted by the final decision, after a heated discussion, to take *his* advice and return a negative answer to the Count. While the siege lasted Governor Wright and Lieutenant-Governor John Graham took refuge in a tent, next to Colonel Maitland, outside of the city limits, on the right of the British lines. The Governor made a full report to the Secretary of State of the beginning, progress, and result of the siege.

Pleased with the result of the siege and the departure of the French from Georgia, Governor Wright determined to let the "leaders of rebellion" feel the weight of the heavy hand of British rule upon them. As he said himself, he was determined to "check the spirit of rebellion," and his treatment of all who did not heartily withdraw from their former attitude of resistance to the dominant power was truly oppressive and tyrannical. He wrote to England letters in striking contrast to those of the period when he felt his inability to sub-

due the rising opposition to Great Britain's harsh measures which preceded the Declaration of Independence. He had the power to retaliate, and he exercised it with severity. He strongly objected to the general amnesty offered by Sir Henry Clinton who landed in Georgia in February, 1780, and had an act passed, July 1st, known as the Disqualifying Act, naming 151 prominent republicans as enemies to the king, and disqualifying them from holding any office of honor, trust, or profit in Georgia, "as some kind of punishment to delinquents, and check to rebellion, and indeed for the support of Government." Such was his manner of conduct so long as he saw any evidence of the success of his side in the keeping of Georgia from gaining her freedom and independence; but when his side seemed to be losing ground his letters showed the same spirit of depression and discouragement as when he thought, in the beginning of the trouble, that "ruin and destruction" were impending and "America lost and gone." Relentless in his dealings with those whom he considered enemies to his country, he put up a doleful cry of despair when things did not go as he wished them to go.

When the tide began to turn in favor of the Americans, and he saw the chance of saving Georgia slipping away, his tone became more and more despairing and his spirits more dejected. After the battle of Guilford Court House he quickly communicated to his government the fact which was so gratifying to him: "I have the very great pleasure to congratulate your Lordship on the signal victory obtained by Earl Cornwallis over the rebel army under the command of General Greene near Guilford in North Carolina"; but after the Defeat of Cornwallis at Yorktown he whined that "We are at this moment in the utmost danger and distress, and expect every day to have a formidable force against us. * * * And thus your Lordship sees the consequences of not protecting and holding these two Provinces (South Carolina and Georgia). I always dreaded it from the moment Lord Cornwallis went into Virginia, and the cruel 10th article in his

Lordship's capitulation I fear has ruined the King's cause in America, and I need not comment on it. God only knows what will become of us."

As early as the 24th of April, 1781, three weeks after his crowning over the Guilford victory, he had "alarming accounts from Augusta"; on the 1st of May he found "that things are by no means in that peaceable and secure state" that was desired, because of an attack on Augusta which he feared would be disastrous; on the 5th he felt assured that "the rebellion is *not* entirely quelled in South Carolina; far, very far, from it, on the contrary * * * the country people in general are in arms * * * and the communication between this and Charles Town is entirely cut off"; on the 21st "the officer commanding at Galphin's Fort surrendered to the rebels, and * * * Brown was in the greatest distress (at Augusta), and it is not possible for us to give him relief"; on the 11th of June "It gives me the greatest concern to acquaint you of the loss of Augusta by Colonel Brown being reduced to the necessity of capitulating"; and on the 14th of the same month he wound up a letter with this wail: "In short, my Lord, our prospect is wretched, and if we are not relieved in a few days * * * a famine will ensue. The causes of all this distress and misery are most evident, but I shall say no more, but pray God grant us peace."

He had no more doleful news to impart until his information of the 18th of December, when he announced the capitulation of Cornwallis, which has already been quoted. On the 18th of January, 1782, he was grieved at the news that Wayne and St. Clair had joined General Greene "and are not far off," exclaimed "Surely, surely, my Lord, the commanders of the King's forces in America ought to have supported these Southern Provinces," and ended by requesting leave to return to Great Britain "where *possibly* I might have been more useful than by being kept here."

His career as Governor of Georgia was now rapidly closing. On the 23rd of January, five days later than the letter just quoted, he wrote that "We are now confined almost to our

lines round the town, and are expecting a powerful attack every day, and probably a siege, and thus is this most valuable Province ruined, and, I fear, lost for want of that protection and attention which I conceive the loyalty of the inhabitants entitled them to."

February 12th he wrote to Under Secretary William Knox that "this Province will be totally lost unless soon relieved," and in a postscript to the letter made this specific denunciation of one of the highest British officers: "I have this moment received a letter from General Sir H(enry) C(linton)—a trifling answer that a man might be ashamed to write; and thus do the King's Generals conduct everything."

From that time it became more certain every day that Georgia would have to be given up by the supporters of King George, and it is not necessary here to particularize the various steps leading to the evacuation of Savannah by the British troops, which occurred on the 11th of July, 1782, and the departure of Sir James Wright for England. He went from Savannah to Charleston, South Carolina, accompanied by some of his civil and military officers, in the *Princess Caroline*, and from that place he went to England.

He had been placed on the list of those attainted of high treason by act of the republican Assembly of Georgia, passed March 1st, 1778, and his property confiscated. In the year 1783, he was appointed the head of the board of agents of the American Loyalists for prosecuting their claims for compensation, and received for his services and in consideration of his loss of property, estimated to be worth thirty-three thousand pounds, a pension of five hundred pounds a year.

He died in Fludyen street, Westminister, on the 20th of November, 1785, and on the 28th was buried in the north cloister of Westminster Abbey. By his wife who, as already stated, was lost at sea, he had three sons and six daughters, and was succeeded in the baronetcy by his eldest son James, but the succession was continued in the line of his second son, Alexander, who settled in Jamaica.

AN EARLY DESCRIPTION OF GEORGIA

From the Gentleman's Magazine, January,

1756. Volume 26

NEW GEORGIA

New Georgia is included in Carolina, and extends from latitude 30.30 to 32 N., between the river Savannah to the north, and that of Altamaha to the south.

This tract of country was also considered as part of South Carolina till the year of 1732, when several persons of distinction conceived a design of forming it into a separate establishment, with a view to procure a subsistence for the poor of Great Britain, and at the same time render them useful to their mother country.

The foundation of this undertaking was the charity of one person, who bequeathed a very considerable sum of money for the discharge of insolvent debtors, and appointed Mr. James Oglethorpe, then a member of parliament, and another gentleman, trustees for that purpose.

Mr. Oglethorpe was an active and enterprising man, and had distinguished himself as a friend to the unhappy wretches who were prisoners for debts which it was impossible they should pay, by many speeches in the house of commons in their favor; he was in every respect qualified for the charitable trust that was reposed in him, and the sum that he was to dispose of appeared to him so considerable, as that it might easily be made the ground work of a project that would render the relief at first intended much more extensive and important. He flattered himself that if the legacy, of which he had the disposition, increased by the charitable contributions of others, was applied to establish a colony in the most southern part of Carolina, which was then a desert, it would soon become very easy to take Florida from the Spaniards, and to give the French much disturbance in Louisiana, if not to drive them out. His imagination immediately took fire from the

contemplation of this project, and he zealously seized the opportunity of making himself considerable, by rendering so important a service to his country.

As he did not want ability to recommend his project to others, he soon engaged in it several members of parliament who had an interest at court, and easily obtained the royal consent to found the intended colony; his majesty incorporated by charter those who had applied by petition, under the name of commissioners for the establishment of the colony of Georgia in America, and granted them his seven-eighths of this part of Carolina, the other being the property of Lord Carteret, with the pearl and all other fisheries, and all mines of gold, silver, and precious stones, reserving only a quit rent of 4s. for every hundred acres of land, the first payment to commence two years after they should bear value. Lord Carteret also complimented the commissioners with his right to one-eighth of this district.

A kind of general collection was made for this charity throughout the kingdom, and very considerable sums were contributed, to which the parliament added 10,000 sterling, and the commissioners were then able to purchase provisions and other necessaries for the execution of their plan.

On the 6th of November, 1732, 100 adventurers embarked at Gravesend on board the Anne, a vessel of 200 tons burden; on the 15th Mr. Oglethorpe also embarked on board the same vessel to direct the first operations for establishing the new colony; and on the 15th of January they arrived at Carolina.

The succours which he received from the inhabitants of this Province greatly facilitated the execution of his design, and after having made an alliance with the savages, he laid the foundation of a city on the borders of the Savannah, and gave it the name of that river.

In the May following another vessel arrived at Georgia from England with many new settlers, and a considerable quantity of fresh provisions; fifty more families were soon

after sent over by the commissioners, so that the whole number that had landed in Georgia was about 500, of which 115 were foreigners. Besides this number which had been transported by the corporation, there were about 21 gentlemen and 116 servants, who went over at their own expense, so that during the first year 618 persons embarked for the new Province, of which about 320 were men, 113 women, 102 boys, and 83 girls.

In 1755 the colony was augmented by 105 Highlanders from Scotland, who settled on a spot which they called New Inverness, on the borders of the Altamaha. Mr. Oglethorpe, who had carried over the first settlers, and returned to England with Tomochichi, the chief of an Indian nation, with whom he had contracted an alliance, went this year back again to Georgia with 300 more settlers from Britain.

It is necessary in this place to take notice that Tomochichi, of whom great account was made at that time as the prince of a mighty nation, was in fact the chief of a warlike people, who have ever since preserved their allegiance to Great Britain, and who, upon the breaking out of the present contests with France, have given signal proofs of their unalterable fidelity, by a solemn renewal of their former contract.

The rash and impolitic zeal of the Bishop of Saltzborough, having driven the protestants out of his dominions, they were invited to make an asylum of our new Province; many families readily accepted the offer, and at length formed two cities, which they called Old and New Ebenezer.

In 1737 there were five cities and several villages in New Georgia, besides scattered habitations. Savannah, the capital, contained about 140 houses, besides magazines and cottages. The next considerable city was Augusta, the inhabitants of which applied themselves wholly to traffic with the savages; and this trade was so considerable, that in the year 1738 they sent 100,000 weight of raw hides to Savannah. In 1739 there were no less than 600 inhabitants who solely carried on this trade, besides many planters.

Georgia is divided into two parts, north and south. North Georgia contains three cities, Savannah, New Ebenezer and Augusta, and five villages, Old Ebenezer, Hampstead, Highgate, Abercorn and Skindwe. South Georgia contains two cities, Frederica and New Inverness, and one village, Barikmake. The Province is defended by 3 strong forts, Fort Argyle, Fort St. Andrew and Fort St. Augustine; but in 1741 it did not contain more than 1,000 souls.

This colony has by no means produced advantages equal to the great expense at which it has been established. The several sums granted by parliament before the year 1738, amounting to 66,000 l. sterl. and the sums collected in Great Britain, and in our American colonies were very great.

The soil is not of the most fertile kind, yet it produces rice, pitch, tar, hemp, flax, vegetable wax, and bees wax in considerable quantities.

The settlers also make pot-ash, and many vessels are freighted every year from Georgia with these commodities. They have firs of a great height, which make excellent masts, and are very fit for the builders, besides wood for dyeing and veneering in great plenty. Mulberry trees are also very common in this country, and it was hoped that silk worms might have been raised, and a silk manufacture established. With this view two or three Piedmontese were sent into Georgia, to instruct the settlers in this employment, and perfect silk was at length produced, but in so small a quantity that it deserved no attention. It is not indeed to be expected that the quantity of silk should be great as the colony was so thinly inhabited that hands were wanting to till the ground.

But the want of inhabitants was not less owing to the novelty of the establishment than to the bad constitution of the government, which resembled no other British establishment in the world. The people were absolutely excluded from all share in the government, which was placed wholly in a council of 24 commissioners, appointed by the king, who resided in

London, and nominated the magistrates who superintended the public affairs on the spot, and acted in consequence of instructions transmitted to them from hence.

These commissioners availed themselves of the power invested in them by the charter, of establishing fundamental laws, which totally subjected the colony to them, and in some degree rendered them absolute masters of the liberty and property of every individual in it. The only court of judicature was a kind of chancery, consisting of a very small number of these deputed magistrates, upon whom not only the fortune, but the lives of the people entirely depended; for as there is no appeal from the council, or the magistrates which the council deputes, the colony has no remedy but patiently to submit to any false measure which it may be required to pursue.

The discontent which such a form of government would naturally produce was greatly increased by the regulations established by the commissioners in their distribution of lands to the settlers. They divided the country into small parcels of 50 acres, and stipulated that only the male descendants of the tenant should inherit it, excluding daughters and every other degree of kindred; so that in default of heirs male, the lands were to revert back to the commissioners. The tenant was also restrained from selling, letting, or exchanging his lands, from employing negroes and taking more than one lot, which contributed to make them weary of their situation. Great numbers removed to South Carolina and other settlements; some came back to England, and, if their report is to be believed, the 1,000 which inhabited Georgia in 1741 were the remains of more than 5,000 which had been sent thither between that time and the year 1732.

Several alterations have been since made in these odious institutions. The lands now descend in the female line, and the tenant, if he has no heir, may devise them by will; but these alterations took place too late.

This colony, however, is thought of some consequence to the British interest, not so much for the value of what it may produce, as because it may serve as a southern frontier against any enterprise that may be formed by the French or Spaniards, if they should fortify themselves in Louisiana, as it is apparently their interest to do.

Great disputes have arisen between Georgia and Carolina, concerning the navigation of the river Savannah which separates the two colonies. The people of Carolina having made it the channel of a considerable trade with the Indians for skins and furs.

The charter by which Georgia was granted to commissioners as a separate colony extends it from the most northern boundary of the Savannah to the most southern limits of Altamaha, by which both rivers appear to belong to them, and they have seized several vessels of Carolina upon those rivers, and justify their conduct by the following reasons:

1. The Savannah is included in the grant of Georgia.
2. The vessels which have been seized were laden with rum, which in Georgia was a prohibited commodity.
3. They were fitted out for a traffic with the Indians, which belonged exclusively to the settlers in the new colony.

The people of Carolina have paid no regard to these reasons, but instead of discontinuing to navigate the Savannah, they have armed their vessels so as to be in no danger of an attack.

PROTEST AND CAVEAT OF SIR JAMES WRIGHT
AGAINST GOVERNOR THOMAS BOONE, OF
SOUTH CAROLINA

In connection with the statement in a foregoing article on the attempt made by Governor Thomas Boone to take, in the name of South Carolina, certain lands lying south of the Altamaha river, the following extracts from the Georgia Gazette, bearing on the subject, are thought to be of sufficient interest to warrant the printing of them in this place.

From The Georgia Gazette.

Savannah, April 21, 1763.

The following Protest and Caveat, with the Attestation of the Honourable Grey Elliott, Esq., is ordered to be published in this Gazette by his Excellency, the Governor:

GEORGIA.

To Thomas Boone, Esquire, his Majesty's Captain-General and Governor-in-Chief in and over the Province of South Carolina, and to all others to whom these Presents shall come or may concern.

THE PROTESTATION and CAVEAT of JAMES WRIGHT, Esquire, his Majesty's Captain-General and Governor-in-Chief, in and over the Province of Georgia against any warrants being issued, or attempts made, to survey the lands to the southward of the river Altamaha, by pretence or color of any right or authority from or under the said Thomas Boone, as Governor of South Carolina, or from or under the said Thomas Boone, and his Majesty's Council in that Province; and against any grant or grants being passed or signed by the said Thomas Boone, for any of the lands aforesaid, to any person or persons whatsoever, until his Majesty's royal will and pleasure be known concerning the same.

WHEREAS, his late Most Gracious Majesty, by letter from one of his principal Secretaries of State, dated the 10th day of June, 1758, was pleased to signify his commands to the

Governor of the Province of Georgia, that he should immediately give orders, in his Majesty's name, to the inhabitants of a certain settlement to the southward of the river Altamaha, made without his Majesty's license or authority, and called by themselves New Hanover, to remove immediately from thence, and that the said Governor should take all due care that no settlements whatever be made without leave of his Majesty, or by his authority; in the execution of which orders the Governor of Georgia was directed to act in concert with the Governor of Carolina, who had received his Majesty's commands to the same purpose; and although the reasons which possibly induced his Majesty not to suffer his subjects to settle the aforesaid lands, may now be thought not to subsist, because his Catholic Majesty, by the 19th preliminary article of peace, cedes to our Most Gracious Sovereign all that Spain possesses on the continent of North America, to the east or to the southeast of the river Mississippi, yet, as the ratification of the definitive treaty of peace between Great Britain and Spain, if it has taken effect, is not notified, it would be premature in any of his Majesty's Governors to proceed as though it actually was notified; and, from the state and light in which those lands have been for some years past considered by his Majesty, to attempt to intermeddle therein, until his Majesty's royal will and pleasure be known, and his commands signified thereon, it is conceived would be highly improper, and contrary to his Majesty's intention.

Therefore, for preservation of the rights and claims of the Province of Georgia, in and to the premises aforementioned, against any extraordinary or injurious attempts of the said Governor and Council of South Carolina, for the reasons hereinbefore given, and many others transmitted to Great Britain to be laid before his Majesty, I the said JAMES WRIGHT, as Governor of the Province of Georgia aforesaid, do protest against all or any attempts whatsoever to survey any lands to the southward of the aforesaid river Altamaha, by pretence or color of any authority from or under the Governor or the Governor and Council of South Carolina;

and do, by these presents, enter a caveat against any grant or grants being passed or signed by the Governor of South Carolina, for any of the lands aforesaid, to any person or persons whatsoever, until his Majesty's royal will and pleasure shall be known concerning the same, and, in most full and solemn manner, that have already, or may hereafter be had or done by the said Governor and Council, in or about the disposal of the lands aforesaid, as expressly contrary to his Majesty's royal intention, and null and void.

And that no person or persons may plead ignorance of this protestation and caveat, I do request and demand, that it be entered in the book of caveats against grants, usually kept in the Secretary's Office in the Province of South Carolina.

In testimony whereof, I have hereunto set my hand and seal, at Savannah in Georgia, the 30th day of March, in the year of our Lord 1763.

JAMES WRIGHT.

By his Excellency's command.

JOHN TALLEY, Deputy-Secretary.

Savannah in Georgia.

I, Grey Elliott, Esquire, a member of his Majesty's Council for the Province of Georgia, do hereby declare and certify, that on Tuesday the fifth day of this instant April, about the hour of nine in the forenoon, at the request and by the direction of his Excellency James Wright, Esquire, Governor of Georgia, I did exhibit and tender to his Excellency Thomas Boone, Esquire, in Charles Town, the original of which the before written is an exact copy; and that he absolutely refused to accept, receive or peruse the same; that on my telling him I should enter it in a proper manner, he replied, the Secretary's Office was open to every body; and that I did immediately after carry the same to the Secretary's Office, and tendered it to the Secretary's clerk, who told me it should be recorded in the afternoon; that, about four o'clock in the after-

noon, Thomas Scottowe, Esquire, Secretary of the Province of South Carolina, did return me the same, telling me he was directed by the Governor and Council, or in Council, to declare to me, that the same should not be received or entered in his office. Given under my hand and seal, at Savannah, the 20th day of April, in the year of our Lord 1763.

GREY ELLIOTT

Savannah, August 25, 1763.

We can with pleasure and certainty assure our readers, that the late proceedings in our neighboring province, with respect to the southern lands, have been disapproved of at home, and are considered as highly injurious to the purposes of the crown. In consequence whereof, we hear directions are sent to his Excellency Thomas Boone, Esq., Governor of South Carolina, by the Friendship, Capt. Ball, to desist from granting any of the lands to the southward of the Altamaha, and from any pretention of authority over them. The vigilance and abilities of our agent, William Knox, Esq., which have, on this and every other provincial concern, been exerted for the interests of this colony, reflect the greatest honor upon that Gentleman.

THE MORAVIANS OF GEORGIA AND PENNSYLVANIA AS EDUCATORS

By THE EDITOR

There is no intention on the part of the writer to treat of the history of the Moravians in this short sketch as a religious sect, and their creed and mode of worship will not be touched upon except in a general way, and then only as may be necessary in bringing out the facts connected with their educational activities.

Immediately following the founding of the colony of Georgia application was made to the Trustees for land by several Protestant religious fraternities seeking an asylum in the new country. Among them was a German sect known as United Brethren, or Moravians. Through the efforts of their leader, Nicolaus Ludovicus, Count of Zinzendorf and Pottendorf, five hundred acres were granted to them, and, by action of the Common Council of the Trustees, January 10, 1735, it was ordered that "a certified copy of Count Zinzendorf's grant be sent to Georgia, and that possession of the land be delivered to Mr. August Gottlieb Spangenberg, attorney for Count Zinzendorf." It is presumed that the Reverend Mr. Spangenberg was then about to set out for Georgia, as he was in Savannah on the arrival of the twenty-seven Moravians who, with Bishop David Nitschmann at their head, sailed from England in the Symonds, with the Wesleys, in December, 1735, and reached the Georgia coast February 4, 1736.

The spot selected for the settlement of these people was on the river, between Savannah and the Salzburg town of Ebenezer. They were an industrious party, and managed their affairs so well that by thrift and economy they prospered. Here they showed their good intention by an immediate preparation for a work among the Indians in their education and spiritual uplift. They were in the very midst of a race who needed their help and who gladly listened to their offer to serve them. They secured the friendship of the good old Chief Tomochichi, and with his aid they built a school house near his village to which they gave the name Irene. Thus

they began to do what, but for the interruption to be mentioned later on, might have proved a wonderful means of bringing about a friendly relation between the white and red races more lasting and intense than ever wrought through any other method. The aptness of the Moravians for imparting instruction has shown itself since those days through their efforts in other directions and in the various places where they established institutions of learning.

The influence of the Moravians was felt wherever they went. John Wesley's intercourse with them was an experience which he could not help acknowledging as for his good. Francis Moore, in his account of "A Voyage to Georgia," wrote "Mr. Spangenberg acquainted Mr. Oglethorpe that several Germans with whom he had an influence were gone to Pennsylvania instead of Georgia, and that he would go thither and fetch them, to be an increase of strength to the colony," but Oglethorpe declined the offer only because he "would not inveigle any from another colony." The twenty-seven persons who settled near Ebenezer were filled with a desire to do a good work, and they exerted their energies to the utmost in trying to serve God. Their ways in serving God did not in all respects suit the other classes making up the population of the Province, so they did not stay long in the new home. When called upon to bear arms in the defense of the colony against the Spaniards, they demurred on the ground that it was forbidden by their religion to serve as soldiers, and they were excused; but that action caused such a feeling against them that they concluded that their usefulness was so much impaired as to make a departure desirable, and in 1738 most of them removed to Pennsylvania where they founded the town of Bethlehem. A writer, in a pamphlet printed in 1741, called "A True and Historical Narrative of the Colony of Georgia in America," said "The settlements of the Germans of Count Zinzendorf, who were twenty families * * * are likewise now entirely abandoned."

In the year 1740 John Hagen went to Savannah, not knowing that his predecessors had gone away. Irene was

almost without an inhabitant, and the Indians in the vicinity seemed to have forgotton what the Moravians had taught them, and Hagen, finding no field for his labors, joined the Bethlehem congregation early in 1742. In October, 1746, an effort was made to have a Moravian settlement established at a point higher up the river, but did not succeed, although it was intended to have men prepared to teach as leaders of the party. In 1774 two Moravian teachers, Ludwig Muller and John George Wagner, settled on the plantation of Mr. William Knox, Under Secretary of State, and began to teach the slaves, and they were joined by Frederick William Marshall, an agent of the Moravians, from Salem, North Carolina, but all their efforts to build up a congregation came to naught, and the War of the Revolution stopped any further action in that way.

There is one fact in connection with the settlement of the Moravians in Georgia which is not without interest, and that is the incident of the death of the first of their congregation, Friedrich Reidel. He was one of the earliest immigrants, accompanying Spangenberg. He was taken ill with fever, passed the crisis, seemed to have entirely recovered his health, had a relapse, and died on the 30th of September, 1735, old style, (Oct. 11th, new style), and was buried in the old cemetery on what we now call Oglethorpe Avenue. He is supposed to have been the first Moravian to die in the United States.

The Moravian Missionary Board, after application for permission to establish a school at Spring Place in what is now Murray County, and meeting with refusals, finally, in 1801, through the patronage of two Cherokee Chiefs, succeeded in opening a mission there. Messrs. Abraham Steiner and G. Byhan were the first teachers, and afterwards the Rev. Jacob Wohlfahrt, and Mr. and Mrs. John Gambold and others took up the work. It is recorded that the first converts were a Mr. Charles R. Hicks and a woman whose name is not given. We do not know anything of the history of the mission after the year 1825.

By the removal of the Moravians from Georgia the State lost the influence and moral force of a class of citizens whose

activities were transferred to Pennsylvania, and that State gained to an extent incomputable through Georgia's loss. Beginning with the establishment of the church by the band who went from Georgia, the Moravians continued to thrive, and the towns of Nazareth and Bethlehem were built up. George Whitefield, in 1740, bought a tract of five hundred acres in Upper Nazareth Township, and in 1743 he sold it to the Countess of Zinzendorf, and there was established an institution of learning to which was given the name of Nazareth Hall in 1755, when the corner-stone was laid. It was at first a house of worship, but in 1757 the synod decided that it was intended for the accommodation of the brethren and sisters going to or returning from the preaching place or missionary station; but two years afterwards the purpose was changed so that it was made a school, and such it remained for twenty years. It is needless to record the changes adopted in the rules governing the management from time to time. A history of the institution has been written by the Reverend Levin T. Reichel, and he relates the facts in connection with the educational work accomplished in Pennsylvania. He says "Schools were therefore instituted at the expense of the church at the earliest period * * * and separate seminaries formed for boys and girls in various localities * * * and also a nursery for infants, into which the little ones were received when scarcely two years old." He further states that in later years the methods of conducting the Nazareth Hall seminary were changed and it was made "an educational institution of the church in which were to be educated not only skilful mechanics but also assistants in the work of the Lord." It became a boarding-school, and at the end of 1854, when the sketch was written, the number of boarders alone for that year were eighty-two, the whole number of inmates being one hundred and twenty. The theological seminary, a department of Nazareth Hall, founded in 1807, has since 1858 been situated at Bethlehem.

Bethlehem, in Pennsylvania, was founded by the Moravians in 1742, and is really the headquarters of that denomination.

There is located the theological seminary just mentioned, parochial schools, and a seminary and college for women, the last mentioned having a history remarkable for the very large number of pupils enrolled since its opening in 1785, and the character and standing of its patrons during all the time of its operations. The facts in relation to its founding and its progress were made known to its patrons and alumnae in 1858, in a volume, by William C. Reidel, called the "Bethlehem Seminary Souvenir." We quote a few words from its preface: "The same spirit which prompted the original foundation of the town of Bethlehem and of other similar establishments of the Moravian Church also led to the establishment of this Seminary, as well as of other educational institutions of a like nature." In response to a decision of the bishop and pastors of Bethlehem and Nazareth in March, 1785, "to formally open a boarding-school for boys at Nazareth Hall, and a similar institution for girls at Bethlehem, on Michaelmas next," the Seminary was established.

Perhaps the most interesting fact in connection with the Moravian settlement at Bethlehem is the incident of the making of the banner for the legion commanded by Count Pulaski in the Revolutionary War. This circumstance has been variously told, and the truth in regard to the matter has been misinterpreted mainly through the poem of Longfellow with the misleading title of a "*Hymn of the Moravian Nuns at the Consecration of Pulaski's Banner.*" In the "Pennsylvania Archives; Pennsylvania in the Revolution," is this statement:

"For years it was received as a fact that it (the banner) had been presented to Pulaski by the Moravian single Sisters of Bethlehem as a token of their gratitude for the protection Pulaski afforded them, surrounded as they were by a rough and uncouth soldiery. Recent investigations show that the General on visiting the Sisters' house saw their beautiful embroidery and he then ordered a small cavalry banner for his legion. The whole transaction was a simple business one."

Reidel, in his *Bethlehem Seminary Souvenir*, in a foot note, gives the same story, repeated by others, that "Count Casimir

Pulaski was complimented by the presentation of a banner embroidered by the single Sisters, as a token of their gratitude for the protection he had afforded them by a rough and uncouth soldiery. A special guard was kept around this home of helpless females, and Pulaski in person shared the duties of the sentinel." He also gives the names of the Sisters engaged in making the banner. It was suggested, he says, by Susan Von Gersdorf; that the design was intrusted to Becky Langly and Julia Bader; and that the work on it was done by a number of them, especially Anna Beam, Anna Hussy, and Erdmuth Lanfly. And finally he relates that "The banner was received by Pulaski with grateful acknowledgments, and borne in his regiment through the campaign, until he fell in the attack on Savannah, in the autumn of 1779."

But the question seems to be positively settled by Dr. Richard Henry Spencer, Corresponding Secretary of the Maryland Historical Society, in an article in "The Patriotic Marylander" for June, 1916. In it he quotes from Colonel Bentallou's pamphlet of 1826, in reply to Judge Johnson, as to the final disposition of the banner when it was presented to the Maryland Historical Society, that it was "interesting to Baltimore at least, which, when a village, had been the cradle of the legion, and whose women, with a touch of patriotism, had caused this standard to be made and presented to the young corps."

Dr. Spencer closed his article with these words:

"It is gratifying to know * * * that the *patriotic women of Baltimore presented* this banner to Pulaski's legion during the darkest days of our Revolution and that it was *only the handiwork* of the Moravian single Sisters of Bethlehem, Pa., and for which they were paid."

As a matter of information to our readers, we have compiled from the "Bethlehem Seminary Souvenir" a list of the Georgia girls entered on the roll of students of the Seminary from the date of its founding to the year 1858, and it is given herewith.

Admitted	Name	FATHER OR MOTHER	Age	REMARKS
1827	Abbot, Mary	-----	9 Yrs.	Married John Hunter.
1824	Aikin, Elvira Ann	-----	10 "	Married Dunbar Morel.
1823	Aikin, Sarah	-----	10 "	Married Wm. Wash.
1819	Barnard, Ann Maria	Timothy Barnard	13 "	Married Jno. C. Carmichael.
1837	Bishop, Henrietta	-----	11 "	Married Wm. A. Alexander.
1837	Bishop, Mary A.	-----	15 "	-----
1836	Bugge, Emily	Peter T. Bugge	15 "	-----
1801	Burk, Eliza	Ward of Jos. Clay, M. C.	9 "	-----
1799	Campbell, Martha	-----	11 "	Married Rev. — Wright.
1856	Charlton, Margaret E.	John Charlton	12 "	-----
1847	Connerat, Alice	Jos. V. Connerat	15 "	-----
1814	Ouard, Louisa L.	-----	14 "	Married—1st, Wm. McIntosh. 2d, Chas. J. Paine.
1847	Davies, Ann J.	Judge Wm. Davies	14 "	-----
1857	Dearing, Anna W.	Dr. W. E. Dearing	17 "	-----
1800	Douglass, Ann Watkins	Maj. D. Douglass	14 "	-----
1815	Doyle, Maria	Francis Doyle	9 "	-----
1856	Dunwoody, Laieah G.	Rev. J. B. Dunwoody	12 "	-----
1857	Ernenputsch, Helen	Rev. W. Ernenputsch	18 "	-----
1857	Ernenputsch, Julia	Rev. W. Ernenputsch	9 "	-----
1857	Eve, Eva	Wm. J. Eve	16 "	-----
1806	Glascock, Ann	Gen. T. Glascock	13 "	Married—1st, John Malone. 2d, Daniel Savage.
1800	Glenn, Mary Ann	-----	13 "	-----
1824	Gould, Jane	James Gould	9 "	Married —Richardson, Balt.
1822	Gould, Mary E. H.	James Gould	13 "	-----
1855	Gunnison, Bessie	J. W. Gunnison, U. S. A.	10 "	-----
1855	Gunnison, Maria D.	J. W. Gunnison, U. S. A.	12 "	-----
1856	Hartridge, Kate M.	M. H. G. Hartridge	15 "	-----

Admitted	Name	Father or Mother	Age	Remarks
1795	Hillhouse, Mary	Daniel Hillhouse	11 "	Married Andrew Shepherd.
1795	Hillhouse, Sarah	Daniel Hillhouse	13 "	Married Felix G. Gilbert.
1829	Hodgkinson, Henrietta	Mrs. John Harris	11 "	
1802	Holland, Maria		12 "	
1818	Johnston, Eliza	James Johnston		Married Dr. P. M. Kollock.
1818	Johnston, Jane P.	James Johnston		Married — Woodruff.
1818	Johnston, Louisa	James Johnston		
1837	Johnston, Susan W.	J. R. Johnston	9 "	
1800	Jones, Harriet C.	Dr. Geo. Jones	9 "	
1806	Jones, Jane	James Jones	11 "	
1800	Jones, Sarah G.	Dr. Geo. Jones	10 "	Married Alfred Cuthbert.
1828	Jordan, Caroline	Ward of James Wallace	13 "	
1808	King, Agnes Bacon	Mrs. Sarah King	11 "	
1808	King, Sarah Noel	Mrs. Sarah King	14 "	
1855	Lewis, Isabella C. S.	J. N. Lewis	15 "	
1805	Lillbridge, Henrietta	Stepdan. of Joseph Grant		
1800	Mackay, Elizabeth	Judge S. Mackay	12 "	
1823	Matthews, Ann Elizabeth	Rev. — Matthews	10 "	
1800	Millen, Ann Cath.		10 "	
1800	Millen, Mary Ann		12 "	
1813	Moore, Rebecca	Augustus Moore	13 "	Married Francis McLeod.
1800	Morel, Ann	Ward of Pat ^r . Houston	10 "	Married Dr. — Dunn.
1819	Morel, Elizabeth	Dr. Leroy Napier	15 "	Married N. G. Rutherford
1856	Napier, Mary	Sampson Neyle	14 "	Married Chas. Dunham.
1820	Neyle, Charlotte	Sampson Neyle	8 "	
1807	Neyle, Elizabeth H.	Sampson Neyle	11 "	2d wife of J. S. Thomas.
1820	Neyle, Emma	Sampson Neyle	10 "	Married F. W. Heineman.
1807	Neyle, Mary B.	Sampson Neyle	17 "	Married J. S. Thomas.
1825	Nowlan, Ann E.	Col. G. G. Nowlan		Married Rev. A. H. MacDoneel.

Admitted	NAME	FATHER OR MOTHER	Age	REMARKS	
1826	Nowlan, Ann Georgia	Ward of Robt. Taylor	12 "	Married Daniel Remshart.	
1825	Nowlan, Margaret	Col. G. Nowlan	13 "	Married Dr. J. R. Sautsy.	
1813	Oliver, Prudence T.	John Oliver	14 "		
1803	Oliver, Sally W.	John Oliver	13 "	Married Dr. Jno. Frazer.	
1806	Pooley, Caroline M.	John Pooler	14 "		
1800	Pooley, Eliza	John Pooler	10 "		
1800	Pooley, Rebecca	John Pooler	12 "		
1855	Pope, Ann E.	Alexander Pope, Sr.	16 "		
1855	Pope, Eliza J.	Leroy Pope	18 "		
1803	Pope, Matilda		12 "	Married Henry Belden.	
1817	Reynolds, Ann		14 "		
1844	Rokenbaugh, Catherine E.	Jacob Rokenbaugh	14 "	Died Jan. 16, 1822.	
1820	Ross, Mary Elizabeth	Mrs. Benj. Lamb	12 "		
1838	Saltmarsh, Caroline B.	D. Saltmarsh	13 "	Married R. M. Charlton.	
1821	Shiek, Margaret		9 "		
1801	Sibbold, Matilda	Geo. Sibbold	11 "		
1801	Sibbold, Rebecca	Geo. Sibbold	10 "	Married Eldred Simkins.	
1801	Smith, Eliza H.	Benajah Smith	8 "	Married Dr. — McWhorter.	
1801	Smith, Susan Clarke	Benajah Smith	17 "		
1856	Staur, Julia			Married Wm. P. Hunter.	
1814	Sturges, Elizabeth Sarah	Oliver Sturges	12 "		
1814	Sturges, Lucyetta B. Watson	Oliver Sturges	6 "		
1808	Tattnall, Harriet	Josiah Tattnall, Jr.	12 "		
1803	Thomson, Eliza Eleanor	Capt. Robt. Thomson	"		
1791	Wall, Susan				
1857	West, Evelyn N.	Dr. Chas. W. West	16 "		
1823	Wood, Lydia		9 "		
1805	Woodbridge, Maria	Thos. Woodbridge	12 "	Married Capt. Archelaus Rea.	
1855	Wragg, Mary J.	Dr. Jno. A. W. Wragg	16 "	2d, Nichol Turnbull.	

As a supplement to the foregoing the facts which follow deserve a place in this record, showing the relation of persons not claiming Georgia as their home to inmates of the institution.

Two daughters of General Nathanael Greene, Martha Washington and Cornelia Lott, were admitted into the Seminary in 1788, after their father's death, as from Rhode Island, although Georgia was then their home. The former was eleven years of age, and afterwards married John C. Nightingale, and following his death she married Dr. Henry Turner; and the latter was nine, and her first husband was Peyton Skipwith, the second Edward B. Littlefield.

Maria Stackhouse, daughter of Mrs. Margaret Stackhouse, of New York, entered in 1809, at the age of eleven years, and later became the wife of George Gordon, of Savannah.

Elizabeth Dowers, of Trenton, New Jersey, was admitted in 1817, and was afterwards the wife of James H. Johnston, of Savannah.

Caroline Margaret S. Nicoll, daughter of A. Y. Nicoll, of New Brunswick, New Jersey, was a pupil of the Seminary, where she was placed in 1826, aged twelve years, and later married Colonel Miller Hallowes, of St. Mary's Georgia.

QUERIES AND ANSWERS

Hunter.—I have heard that before the coming of the English colonists to Georgia the Indians killed numbers of the buffalo in this vicinity. Is there any authority for such statement?

In the authentic accounts of interviews with the Indians they made frequent allusions to the buffalo. Among them is the well-known *Curious Account of the Indians by an Honorable Person*, by General Oglethorpe, giving Tomochichi's "first set speech" to him, when he presented a buffalo's skin, painted on the inside with the head and feathers of an eagle, declaring that "the eagle signified speed, and the buffalo strength * * * the buffalo skin was warm, and signified protection." We could give many other facts tending to prove that the animal mentioned was well known to the Indians in this neighborhood; but the most positive one, and one that is unquestionable, is this statement in a letter of Oglethorpe to the Trustees, dated at Frederica, 16th March, 1736:

"Tomochichi and I, at his desire, go out tomorrow to hunt ye buffaloe as far as the utmost extent of his dominions, towards Augustine."

P. L.—Is there any reference in writings on the early history of places on our sea-coast to that pest so annoying to us in close touch with salt-water streams, about this time—the sand-fly?

We have in mind no account of any writer on affairs in the salt-water section of Georgia mentioning that insect, except a few words in the journal of the Reverend John Wesley. On Sunday, April 4, 1736, after mentioning that he had set out from Savannah for Frederica, some time after the date of the previous entry, he added that "The next evening we anchored near Skidaway Island * * * I wrapped myself up from head to foot in a large cloak, to keep off the sand-flies."

We add to this the following:

The London Magazine for the year 1745-6, published a sketch by a young gentleman, with the title "Itinerant Observations in America." The article has been republished in the 4th volume of the Collections of the Georgia Historical Society. The author, describing a voyage from St. Simon's Island to Darien, in a six-oared boat, commented on the sand-fly, and the mosquito, and of the first he wrote:

"The sand-fly is so minute an insect as scarce to be perceptible with the naked eye, only appearing like the sporting particles of dust that float in the sun-shine. It even intrudes itself into the mouth as you breathe, and insinuates into all the small apertures of your garments, nor can you in any way fend yourself entirely from them."

T. S. B.—What is the true story concerning the visit of Sir Walter Raleigh to the coast region of Georgia?

Considering the fact that it is very doubtful whether Sir Walter Raleigh ever was in America, the matter suggested by our correspondent is of much interest, and we cheerfully give up a large portion of the space devoted to this department to a recital of all the information to be found on the subject.

Benjamin Martyn, Secretary to the Georgia Trustees, wrote, in 1741, "An Account Showing the Progress of the Colony of Georgia in America," and appended to it an extract from a letter in the *South Carolina Gazette*, dated at Charleston, March 22nd, 1733, part of which is as follows:

"Mr. Oglethorpe has with him Sir Walter Raleigh's written journal, and by the latitude of the place, the marks and traditions of the Indians, it is the very place where he first went on shore, and talked with the Indians, and was the first Englishman they ever saw; and about half a mile from Savannah is a high mount of earth, under which lies their chief king; and the Indians informed Mr. Oglethorpe that their king desired before he died that he might be buried on the spot where he talked with that great, good man."

Mr. John Gerar William De Brahm, Surveyor-General of the Southern District of North America, in his *History of the Province of Georgia*, told the same story, but with additions which make the tale more credible; and this is his account:

"Between the city (Savannah) and the Trustees' Garden is an artificial hill upon the bay, part of which, in 1760, was dug through (to open a communication with this suburb and the city), whereby a stratum was opened near the plane of the city, filled with human bones. This confirmed the history of this mount, which had traduced it to be an ancient burying ground, on which (as Tomochichi, the last Yamacraw king related to General Oglethorpe at his arrival) one of the Yamacraw kings had entertained a great white man, with a red beard, who had entered the port of Savannah stream with a very large vessel, and himself came up in his barge to Yamacraw, and had expressed great affection to the Indians, from which he hath had the return of as much. The white man, with his red beard, intending to present the king with a piece of curiosity (he had on board of his vessel), for which he desired some Indians might go down to receive it from his Lieutenant on board, to whom he wrote a note, which he signified the Indians would deliver to this officer, who (pursuant to the order in the note) delivered what was demanded, and the Indians brought it up to Yamacraw, at which their king was greatly surprised, but more so that this white man could send his thoughts to so great a distance upon a white leaf, which, surpassing their conception, they were ready to believe this white to be more than a man, as the Indians have no other way to express times passed or to come than by rising and setting of the sun, by new moons, by sprouting of the trees and the number of their ancestors. The General, by the nearest computation, and comparing history with chronology, concluded the person to have been Admiral Sir Walter Raleigh, who probably entered the Savannah port in 1584, when on his navigation upon this coast."

EDITOR'S NOTES

The seventy-ninth annual meeting of the Georgia Historical Society was held in the evening of February 12, when the reports of the officers were submitted. The President, Mr. W. W. Mackall, in addition to his report on the Society's condition and prospects, made some remarks on "The Duty of the Hour," and, by direction of the Society, they have been printed and copies sent to the members, and others.

At that meeting Col. A. M. Brookfield, British Consul, and Miss Jane Judge, of Savannah, and Mr. Newton J. Norman, of Flemington, were elected members of the Society, and Mr. Joseph B. Cumming, of Augusta, was transferred to the list of honorary members.

A meeting of the Board of Managers was held on the 9th of March, when the following thirty-two persons were elected members:

Thomas B. Hooks, Americus, Ga.	J. E. D. Shipp, Americus, Ga.
W. H. Crawford Wheatley, Americus, Ga.	Mrs. Bettie Council McKee, Americus, Ga.
Rev. James B. Lawrence, Americus, Ga.	J. R. Pottle, Albany, Ga.
Lee Allen, Americus, Ga.	R. L. Jones, Albany, Ga.
Franc Mangum, Americus, Ga.	Sidney R. DeJarnette, Albany, Ga.
George R. Ellis, Americus, Ga.	H. T. McIntosh, Albany, Ga.
Stephen Pace, Americus, Ga.	H. M. McIntosh, Albany, Ga.
J. E. Sheppard, Americus, Ga.	Edward B. Young, Albany, Ga.

James Tift Mann, Albany, Ga.	Max E. Land, Cordele, Ga.
H. A. Peacock, Albany, Ga.	William P. Fleming, Cordele, Ga.
Mather M. Eakes, Cordele, Ga.	B. H. Palmer, Cordele, Ga.
Charles E. Brown, Cordele, Ga.	Otis H. Elkins, Fitzgerald, Ga.
Thomas J. McArthur, Cordele, Ga.	J. E. Ricketson, Fitzgerald, Ga.
Jos. J. Williams, Cordele, Ga.	J. B. Wall, Fitzgerald, Ga.
E. F. Strozier, Cordele, Ga.	Alex J. McDonald, Fitzgerald, Ga.
W. H. Dorris, Cordele, Ga.	D. B. Nicholson, Jr., Fitzgerald, Ga.

It is our desire and purpose to have the Quarterly printed and delivered promptly by the first day of the months of March, June, September and December. By reason of the reduction in the force of the printing-house doing the work, caused by a number of the printers leaving to serve in the War, the December number was delayed, very much to our embarrassment.

After the preparation of a considerable portion of the matter for this number, we received information that the Morning News had decided to close its job printing department, and we had to make other arrangements for the printing of this periodical. It took some time to make a satisfactory contract, and consequently our March number will be somewhat late in reaching our readers. We are pleased to say, however, that the house of *Braid & Hutton, Incorporated*, will from this time do the work, and we feel assured that there will be no more trouble in this respect.

Georgia History.

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GEORGIA HISTORICAL

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SAVANNAH, GEORGIA

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THREE DOLLARS A YEAR



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THE WYMBERLEY JONES DE RENNE GEORGIA LIBRARY*

BY ITS LIBRARIAN

LEONARD L. MACKALL

There have been various published accounts of the public State and local archives of Georgia, of public historical collections, of those who have from time to time written about the State, or even intended to do so.⁽¹⁾

Let me now, as a mere bibliographical bibliophile and collector, supplement these by a few words concerning the chief

* Read before The Georgia Historical Society, at its quarterly meeting, on May 6th, 1918; now revised, amplified and annotated for publication here. Ever since I first took charge of the DeRenne Library in March, 1916, I have wished to read some such paper before this Society, but, for various reasons, it seemed better to postpone doing so until now. Recently some portions of what follows were read informally in Atlanta, before the Georgia Historical Association, on April 6th, in order that the chief facts might become known to certain historical scholars then assembled there.

(1) Cf. U. B. Phillips on the Public Archives of Georgia: "Am. Hist. Assoc. Annual Report for 1903 I, 439-474, and on the Ga. Local Archives (A. H. A. A. R. for 1904 pp. 555-596.) Miss Julia A. Flisch on the public Records of Richmond County (A. H. A. A. R. for 1906 II, 159-164) cf. also "The Condition of Georgia's Archives" by Mrs. Maud Barker Cobb, State Librarian (Ga. Hist. Association Proceedings I, 32-35) 1917—showing that many records listed by Phillips had meanwhile become lost or inaccessible. L. L. Knight, State Compiler of Records, in the same pamphlet (pp. 36-44) gives an outline history of his office, a list of Candler transcripts still unpublished, and reasons for establishing a State department of Archives. Miss A. R. Hasse's very valuable "Materials for a Bibliography of the Public Archives of the Thirteen Original States . . . to 1789" contains (A. H. A. A. R. for 1906, II, 550 f.) an elaborate historical Prefatory Note (followed by precise references) on Georgia's attitude towards its Records. It is well known that the Ga. Hist. Society ever since its foundation in 1839 has always taken a very active interest in this subject, and has repeatedly memorialized the legislature in this connection. Phillips appended a very valuable critical bibliography of Ga., with concise and judicious characterizations, to his famous study of Ga. and State Rights (A. H. A. A. R. for 1901, II, 211-220.) There are very elaborate and learned bibliographical notes on the English Colonization of Ga. by C. C. Jones, Jr., and Justin Winsor in Vol. V. 1887, of Winsor's Narr. & Crit. Hist. of Am. A more extensive general "Preliminary Bibliography of Ga." (300 nos.) by Prof. R. P. Brooks, of Athens, forms the Bulletin of the Univ. of Ga. for June, 1910. A later general view of "Historiography in Ga." by Prof. T. H. Jack, of Emory Univ., is in the Ga. Historical Association Proceedings I, 21-31.

private collections of documents bearing on the history of this State; and then, in particular, try to give you some more definite idea of the Wymberley Jones De Renne Georgia Library, perhaps the finest private collection ever formed for any State in the Union, and certainly by far the most important one in Georgia.

But first let me quote from the quaint old official surveyor DeBrahm a very interesting and almost unknown passage on the libraries and the state of culture in Georgia, as he knew it about 1751-71.—“He (the author) was often surprised at the good and sound Judgments and Argumentations of Men, whom He knew had been brought up entirely to Mechanism without any more Education than reading and writing, they after acquiring Estates, being in easy Circumstances of Life, and in a Country not as yet debauched by European Luxuries, such as Balls, Masquerades, Operas, Plays, &c; they applied themselves to reading good Authors, of which (yea of the best) America has no Reason to complain of a Want. There is scarcely a House in the Cities, Towns or Plantations, but what have some Choice Authors, if not Libraries of religious, philosophical and political Writers. Booksellers endeavor to import the newest Editions, and take Care to commission the best, well knowing they will not incumber their Shops long, but soon find Admirers, and Purchasers, besides that many of their Books they write for are commissioned by the Inhabitants. This Province was scarce thirty years settled, before it had three fine Libraries in the City of Savannah, the fourth at Ebenezer, and a fifth 96 3-4 miles from the Sea, upon the Stream of Savannah. In these Libraries could be had books wrote in the Caldaic, Hebrew, Arabec, Siriac, Coptic, Malabar, Greek, Latin, French, German, Dutch and Spanish, besides the English, viz. in thirteen Languages.”⁽²⁾

(2) History of the Province of Georgia, by J. G. W. DeBrahm Wormsloe 1849, p. 24. cf. note on Wormsloe books below. I have not yet succeeded in locating that fifth Library situated “96 3-4 miles from the Sea upon the Stream of Savannah.”

It is well known that Edward Langworthy, a Georgia delegate to the Continental Congress, collected materials for what would have been the first independent history of this State, but he died in Elkton, Md., without publishing it (if ever written) and Stevens, Jones and others have lamented the fact that all efforts to trace and locate his papers have failed utterly.⁽³⁾ However, the DeRenne Library last year⁽⁴⁾ acquired many of them, including most interesting letters from Gen. James Jackson, advising Langworthy just which books to use, and sending him various manuscripts to supplement them.

The foundation in 1839 and early success of the Georgia Historical Society⁽⁵⁾ were largely due to the energy and persistence of Israel Keech Tefft (1794-1862) of Savannah, whose great collection of autographs and manuscripts was possibly the most important private one in the whole country, at that time. Frederika Bremer, the Swedish novelist, who had travelled a great deal, and visited Savannah in 1850 and 1851, did not hesitate to call him "the greatest autograph collector in the world." After his death his whole collection was dispersed by auction in New York, March 1867. His complete set of autographs of Signers of the Declaration of Independence "Quarto, bound in full Turkey morocco extra, gilt

(3) Cf. Wm. B. Stevens, *Hist. of Ga.* I, vii (N. Y. 1847) & C. C. Jones, Jr., "Biograph-Sketches of the Delegates from Ga., to the Continental Congress" p. 137 f. 1891. The 1791 letter from L. which Jones quotes is now in the Emmet Collection (E-Calendar No. 1803) of the N. Y. Public Libr., having been sold with the Jones Autographs Apr. 24-26, 1894 (No. 653 of Henkel's cat. for Birch's auction, Phila.)

Langworthy was preceded by the well-known anonymous *Historical Account of the Colonies of South Carolina and Georgia*. London 1779, 2 vols., written by Alex. Hewatt, or Hewitt, or Hewit, and reprinted with notes in B. R. Carroll's *Hist. Collections of So. Ca.*, vol. I, 1836.

The late Mr. W. J. DeRenne had very elaborate search made for the remains of the Langworthy collection, but in vain.

(4) Acquired at the auction of Sam. T. Freeman & Co., Phila., on April 10th, 1917. Dr. I. Minis Hays, Secr. of the Am. Philosophical Society, marked the very vague and almost worthless auction catalogue and then sent it to Mr. J. Florance Minis, of Savannah, who kindly gave it to me, with the above result. Thus we are indeed much indebted to these gentlemen. The auction cat. includes these items as part of the estate of the late Geo. M. Conarroe, sold by order of the executors of Nannie D. Conarroe.

(5) Cf. C. C. Jones, Jr., *Anniversary Address before the Ga. Hist. Soc.* 14 Feb., 1881.

edges" (6) was bought by the New York State Library for \$625, and fortunately survived the disastrous fire of March 29, 1911, when so little else in the building could be saved, though it was officially considered fire-proof.

The once deservedly famous library of fine books and manuscripts formed by the bibliophile Alexander Augustus Smets, (7) Tefft's friend and neighbor, and also one of the founders of the Georgia Historical Society, though really remarkable in other respects, (e. g. he had Caxton's ed. 1482 of Higden's *Polychronicon*) seems to have contained little or nothing of importance on Georgia.

Tefft's fine Button Gwinnett manuscript had been presented to him by George Wymberley Jones DeRenne (1827-1880) the next Georgia collector of note. His name was originally George Frederic Tilghman Jones, but in 1847 he

(6) Tefft is called the "fons et origo" of the G. H. S. in the brief memoir by C. C. Jones (*Memorial Biographies of the N. Engl. Hist. Genealogical Society* V, 60-62, Boston, 1894), and Stevens Hist. of Ga. II, xvi (1859) expresses his deep obligation to Tefft "in whose library the idea of writing this History was conceived, &c." Miss Bremer's expression quoted from her letter, dated Sav. May 14th, 1850, in her "*Homes of the New World*," translated by Mary Howitt, London, 1853. I, 347 cf. 366 & III, 265) is doubtless somewhat too enthusiastic, but Lyman C. Draper's interesting and elaborate paper on Autographs of Signers, &c., says "Mr. Tefft seems to have been the precursor in the collection of autographs in this country." Collections of the State Hist. Soc. of Wisconsin, X, 376, (1888 and reprinted 1909) and Draper has many other references to him and also to C. C. Jones, Jr., cf. index. I have just received the "revised and enlarged ed. N. Y. 1889" of Draper's paper. Sam. Gilman's chatty account of the Tefft autographs appeared originally in his Charleston periodical "*The Rose*," April 18, 1835, and June 10-July 8, 1837, was appended to his wife Caroline G's Poetry of Travelling, 1838, and then reprinted in his "*Contributions to Lit.*" Etc. 1856 (p. 547 of this vol. contains G's poem "*Fair Harvard*" 1836) with the statement that Tefft had meanwhile secured specimens of the 17 Signers previously named as lacking. Wm. Brotherhead's Book of the Signers 1861 p. 103f. gives full facsimile of Tefft's John Adams's letter to Polly Palmer, July 5, 1776, now in the Hist. Society of Pa., Dreer collection.

Tefft's complete set of Signers is No. 1794 of the "Catalogue of the entire collection of autographs of the late Mr. I. K. Tefft, of Savannah, Ga. - - - to be sold by auction - - - March 4th &c., 1867 - - - cat. prepared by Chas. F. Fisher, of Phila. Leavitt, Strebeigh & Co., N. Y., 2630 lots. The Catalogue contains a prefatory letter from Tefft's friend Wm. Gilmore Simms date, Oct. 3, 1866, pp. 1-4. Our copy of the catalogue priced in ink from that of Simon Gratz notes simply: Bought by N. Y. State Library, \$625, but Draper's paper (pp. 378,430) says that A. W. Griswold bought it from Tefft's widow in 1865 for \$625 and that E. French later sold it to the N. Y. State Library for \$800, a strange contradiction. Perhaps the Gratz copy of the cat. merely undertook to record the auction price and the latest owner. But prefatory pp. (3) and 15 of the printed cat. seem to exclude entirely the possibility of any such sale before the auction. Draper's essay revised 1889, p. 18, explains that Griswold bought an incomplete set from Tefft's widow in 1865, and that French bought the complete set at the 1867 sale for \$625.

(7) A. A. Smets (1795-1862) born in Malines, Belgium, had come to Savannah in Nov. 1816. His house is now occupied by the Harmonie (Hebrew) Club. There is a lengthy account of the Smets library by Wm.

changed it to George Wymberley Jones, and then on January 12, 1866⁽⁶⁾ by order of the Superior Court of Chatham County added "DeRenne," as a translation of Van Deren, to his own name and that of his family. His mother's mother was Letitia Van Deren, of Wissahickon, near Philadelphia, Pa. As son of Dr. George Jones, Judge and U. S. Senator, grandson of Dr. Noble Wymberley Jones, Speaker of the Ga. Legislature and delegate to the Continental Congress, and great-grandson of Noble Jones, the companion of Oglethorpe and later Chief Justice in

B. Stevens in *The Magnolia, or Southern Monthly* by P. C. Pendleton for July, Aug., Sept. and Oct., 1841 (Vol. III. Sav. 1841.) cf. *Southern Literary Messenger* for Oct.-Nov. 1851, and DeBow's Review for July 1852 pp. 97-98 with portrait, and *A Southern Library, a Statement* read before the N. Engl. Hist. Geneal Soc., Oct. 5, 1859 from notes of a recent journey (written by Rev. Joseph A. Copp,) pp. 4 (Boston, 1859.) also a short notice by C. C. Jones, Jr., on pp. 42-44 of the same vol. that contains his memoir of Tefft. Smets compiled a little "*Catalogue Raisonne of Curious Manuscripts, Early Printed and other Rare Books; composing Part of the Library of Mr. A. A. Smets.*" Printed for Private Circulation. Savannah: John M. Cooper & Co., 1860" pp. 104. The whole of the Smets collection fills two separate auction catalogues, also of Leavitt, Strebeigh & Co.; N. Y., 1868—the "Cat. of the Private Library of the late A. A. Smets;" auction —— May 25th, &c., includes the books and the early illuminated MSS., Etc. (2468 lots in all), while the "Cat. of the private Collection of Autographs —— auction —— June 1st" (no year date on title-page) contains only 435 lots, but lot 307 alone consists of 2,069 autographs bound in 31 vols. collected thus by the learned English antiquary Wm. Upcott (1779-1845) and bought thus bound at the London Upcott sale in 1846.

Mr. William Loring Andrews, the most discriminating of American bibliophiles, purchased several of the choicest lots at the Smets sale, including a beautiful 15th century illuminated Missal on vellum, bound in velvet (lot No. 1465, \$250, cf. Cat. Rais. 1860 p. 9) which he recently showed me, and also Higden's *Polychronicon* lot No. 1812 \$250 cf. Cat. Rais. 1860, p. 25) printed at Westminister in 1482 by William Caxton, who had revised Trevisa's translation and also added a continuation of his own, this being the only original work of any length from Caxton's own pen now known. This copy bearing Smets' name and date: Savannah, May 28, 1866, was part of a collection of "Early Books" formed by Mr. Andrews to illustrate the first century of printing, and then presented entire to Yale University in 1894. Accordingly it is carefully described in the admirable Catalogue of that Collection, compiled by our Corresp. Member, Dr. Addison Van Name (New Haven, 1913. 300 copies, pp. 34-38.) Seymour de Ricci's laborious "*Census of Caxton's (Bibliogr. Soc. London, 1909)* duly records the Smets Higden as appearing in both the 1860 and 1868 cats., and Dr. Van Name notes his mistake in thinking it perhaps identical with the Wm. Menzies copy sold at auction N. Y., Nov. 1876 No. 926. Evidently both de Ricci and Van Name were puzzled by varying descriptions. But Mr. Andrews explained the matter to me very simply—he gave to Menzies several leaves from the Smets copy before having it rebound by Bedford. Even after this the Menzies copy remained incomplete as is the case with almost all those now known. The latest description of Caxton's Higden is in E. Gordon Duff's invaluable "*Fifteenth Century English Books. A Bibliography,*" Oxford 1917 No. 172 (Bibliotheque Soc. Illustrated monographs No. 18.)

(6) His name still appears as "Geo. Wymberley Jones," as owner of the originals of the frontispieces of Oglethorpe and N. W. Jones in C. C. Jones' *History of Ga.*, 1883, because old plates were used unchanged. The former had been contributed to Stevens's *Hist. of Ga.* I (N. Y. 1847) cf. its Preface p. xiii. The latter was later repeated in "*Men of Mark in Georgia*" ed. W. J. Northen, &c. (Atlanta, 1907) p. 208, to accompany a reprint (from Jones' 1891 book) of C. C. Jones' biographical sketch of N. W. Jones, preceded by a new similar sketch of Noble Jones written by the late Mr. W. J. DeRenne, pp. 195-207.

Savannah, Dr. George Wymberley Jones was deeply interested in everything concerning this State. He spent his childhood at "Wormsloe," the beautiful estate which had been granted to Noble Jones soon after Oglethorpe first landed, and then, after attending school in Philadelphia and New York, graduated A. B. at the University of Pennsylvania, July 3, 1845. Later he took his M. A., July 3, 1848, and M. D., April 8, 1848, there also, but he was back at Wormsloe before that, and had begun collecting with such success that the 1847 first volume of Stevens's History of Georgia (p. xiii) thanks him as already "a young but ardent lover of historic lore, and whose library is more complete in works relating to Georgia than any private collection I have met with."

In 1847 also he started the series of "Wormsloe Quartos" (actually privately printed in Philadelphia, *not at Wormsloe*, as is so often assumed, since no printer is named) which made accessible to a very limited circle historical material of real value, e. g. DeBrahm's History of the Province of Georgia, Wormsloe 1849, above quoted. Two "Wormsloe" books are of considerable literary interest, "Journal and Letters of Eliza Lucas, 1850," 19 copies, not even mentioned in Mrs. St. Julian Ravenel's charming biography of her as Eliza Pinckney (N. Y. 1896), and the octavo ⁽⁹⁾ "A Bachelor's Reverie, in three

⁽⁹⁾ It, too, is printed in "fours," but is "royal octavo" in size (10 1-8 x 6 7-16 inches.) The Wormsloe Quartos are:

I. Observations upon the effect of certain late political suggestions. By the Delegates of Georgia. Printed in the year 1781. Wormsloe 1847. 21 (or really 22) copies only (printed by C. Sherman, Philadelphia.) Printed from the pamphlet in the Library Co. of Phila., then supposed unique, but we now have the C. C. Jones, Jr., copy here. I found the original MS. among the Emmet MSS. (Calendar No. 1662.) The Wormsloe reprint was reprinted almost entire in Geo. White's Hist. Collections of Ga. (1854 and 1855) pp. 106-110.

II. History of the Province of Georgia with (6) maps of original surveys by John Gerar William DeBrahm. Wormsloe 1849, 49 copies (printed by C. Sherman.) Printed from the Harvard MS. "Hist. of the three provinces of So. Ca., Ga., and East Florida."

III. Journal and letters of Eliza Lucas. Now first printed. Wormsloe 1850, 19 copies (printed by C. Sherman.) Contents dated July 1, 1739-Feb. 27, 1762. Ed. by Mrs. Harriett Pinckney Holbrook. Eliza Lucas married Chief Justice Charles Pinckney in 1744, and became the mother of General Chas. C. and Thos. Pinckney.

IV. Diary of Winthrop Sargent during the campaign of 1781. Wormsloe 1851, 46 copies (printed by C. Sherman.) On St. Clair Expedition, hitherto unprinted.

V. Acts passed by the General Assembly of the Colony of Georgia 1755 to 1774. Now first printed. Wormsloe 1881, 49 copies (folio) (printed

parts. . . by Ik: Marvel. Wormsloe, 1850," 12 copies, reprinted by permission of Donald G. Mitchell from the Southern Literary Messenger for September, 1849, which thus constitutes the first book edition of this famous and charming book, and explains the rather vague statement in the author's New Preface for the edition of 1884 (p. xvi)—"This (first) paper had been received with much approval and indeed had come at about this time to the honor of a private printing, in elegant quarto form, and an edition of twelve copies, by a curious bibliophile and (I trust) worthy gentleman then living at Savannah, Ga."

Unfortunately Mr. DeRenne's valuable library and manuscripts were entirely destroyed by Sherman's troops, ⁽¹⁰⁾ but, nothing daunted, he began again, and was preparing a

by T. K. Collins, Phila.) Ed. by Jones after death of G. W. J. DeRenne who had obtained the materials from the Public Record Office, London. V1. Journal of the Transactions of the Trustees for Establishing the Colony of Georgia in America, by the Rt. Hon. John, Earl of Egmont, Viscount Perceval . . . Now first printed. Wormsloe 1886, 49 copies (printed at the Riverside Press, Cambridge, Mass.) Ed. by C. C. Jones, Jr., from the MS. sold at the Henry Stevens sale at Sotheby's, July 1881, No. 239 and then presented to the State of Ga., by J. S. Morgan. That MS. was printed entire as vol. V, 1908 of the Ga. Colonial Records, published by the State. The Wormsloe Ed. included all the text (entries June 14, 1738 to June 6, 1744) but omitted the index to the lost MS. covering June, 1737, to June 1738. On the recent discovery of the Earl of Egmont's private diary covering the previous period of Dr. Benj. Rand in the N. Y. Nation of Jan. 28, 1915. Mr. R. A. Roberts is now editing the diary for the English Historical MSS. Commission. Vol. I, ending with 1733, has been printed but not published.

Just after the first Quarto, as appears from the original bill, Sherman printed also an octavo Theory concerning the Nature of Insanity by George Wymerley-Jones. Wormsloe 1847, 48 copies. (A copy was recently presented to the Surgeon General's Office U. S. A., Washington.) This is rather metaphysical and not the author's medical "graduation thesis" as stated in Jones' Anniversary Address before the G. H. S., 1881, p. 24. On the other hand the American Journal of the Medical Sciences (Ed. Hays, Phila.) for Oct. 1848, contains (pp. 308-310) observations by G. W. J., on the endosmotic theory of catharsis "Extracted from an inaugural dissertation for the degree of M. D."

He was also the author of an anonymous and very acrid pamphlet "Observations on Doctor Stevens's History of Georgia, Savannah: 1849," which Sabin's Dict. &c., vol. 9 (1877) No. 36505 calls: "A severe and able criticism. Privately printed at Philadelphia. One hundred copies on fine and five on large paper. Intended to be added to the Wormsloe publications." Probably it too was printed by Sherman.

(10) Cf. a letter from G. W. J. DeRenne to C. C. Jones, Jr., in the latter's extra-illustrated copy of DeBrahm (now here) dated merely "Philadelphia, March 31st" probably about 1874:

"The autograph of Button Gwinnett is the rarest of the Signers' I am told. There was among my papers a very fine one which I gave to Mr. Tefft for his collection many years ago. If you could trace the fate of his autographs, it might be possible to get it from among them. The destruction of my papers during the war has finished another old storehouse of oddities—and certainly made autographs of Georgians rarer—Gwinnett's, I think, among the number. Thus the chances are steadily decreasing—and, though always small, are now less than ever." Similarly he wrote on May 31st, 1880, shortly before his death, to Geo. H. Moore, the Lenox Librarian, "in consequence of the destruction of my library and papers by Sherman's troops in 1864" his own library copies of the

Wormsloe volume of unprinted Georgia Colonial Acts when he died. His books relating to Georgia were bequeathed by his son, Everard to the State of Georgia.⁽¹¹⁾ His Wormsloe Quartos were continued (Colonial Acts 1881, and Egmont's Journal 1886) by his widow,⁽¹²⁾ with the assistance of Col. Charles C. Jones, Jr., whose various works Mr. DeRenne and his wife had materially aided in every possible way.

Mr. DeRenne was President of this Society 1873-4; through him the Society secured the transcripts of the letters of Oglethorpe and Gov. Wright for the third volume, 1873, of our Collections; and he generously presented to the Society Col. Jones's "Dead Towns of Georgia" and the anonymous "Itinerant Observations in America," reprinted from the London Magazine 1745-6, as bound together to form volume IV, 1878, of our Collections, though also issued separately.

Wormsloe books were lost and he could not give definite data about them. There is no record of the MSS., thus lost forever, but an interesting note book lettered on the back: "Miscellanea Georgiana. G. F. T. Jones." contains a manuscript—"Catalogue of books George Wymberley Jones Wormsloe, 1854-61" in his own neat handwriting, including at least one title "An account of the remarkable conversion of Jachiel Heishel from the Jewish to the Christian Religion, &c., 8 vo. pp. 32., Savannah 1770." otherwise quite unknown. This entry is therefore no doubt the source of the same title in the list of wants appended to our 1911 Catalogue, p. 264 (reading: Zachial.)

The above MS. Catalogue has this note: "This cat. contains about 1250 vols. costing about \$2500. I had besides a number of other books, and engravings, not mentioned in it—in all, I believe, about 1300 vols. worth about \$3700. Most of them were lost by the sack of Habersham's store at the capture of Savannah, Dec. 21, 1864—and by the fire at Oaklands, Jefferson Co., Ga., April 25, 1865."

In May 1911, Dr. Samuel A. Green, the famous Librarian of the Mass. Hist. Society, kindly presented to the late Mr. W. J. DeRenne a copy of Dr. Wm. Douglass's Summary &c., of the First Planting of the British Settlements in North America (London, reprinted 1755) both vols., of which bear the armorial book-plate and engraved name of "Geo. Wymberley Jones of Wormsloe." Dr. Green's letter of May 27, 1911, states that the work "was given to me in Richmond soon after the fall of that city in the spring of 1865. I thought then, as I still think, that it was 'looted'—taken from a private library during the war." Mr. DeRenne's letter of thanks stated that this was then the only book from his father's ante-bellum library in his possession.

(11) Cf. the pamphlet "The DeRenne Gift communication from the State Librarian, John Milledge, Atlanta, G. W. Harrison, State Printer, 1894. Unfortunately many of these books disappeared not very long after the pamphlet appeared.

(12) The large and very interesting "Mary DeRenne, of Georgia, Collection" relating to the Confederacy, in the Ga. Room of the Confederate Museum at Richmond, was formed by her, and bequeathed to the Museum by her son Everard. It is listed in the 1898 Cat. of the Museum, and then, of course, is included in D. S. Freeman's elaborate Calendar of Confed. Corresp., &c., published by the Museum in 1908. The handsome illustrated volume "Robert Edward Lee, an Oration pronounced at the Unveiling of the Recumbent Figure at Lexington, Virginia, June 25th, 1883, by John Warwick Daniel, Savannah, Ga., 1883," was as stated in its colophon, privately printed for Mrs. DeRenne, 100 copies, (probably printed by T. K. Collins of Phila.)

The authorship of these interesting "Itinerant Observations" seems to have hitherto remained an unsolved problem, not even a suggestion having been hazarded, but I have now at last succeeded in discovering definitely that they were in fact written by Edward Kimber (1719-1769), novelist and compiler, ⁽¹³⁾ son of the Rev. Isaac Kimber (1692-1755) a learned Baptist minister who had conducted the London Morning Chronicle, 1728-32. Edward Kimber also wrote the rare pamphlet (of which the late Mr. DeRenne bought a copy in 1911) defending Oglethorpe, entitled: "A Relation, or Journal, of a late Expedition to the Gates of St. Augustine, on Florida: Conducted by the Hon. General James Oglethorpe, with a Detachment of his Regiment, &c., from Georgia. In a Letter to the Reverend Mr. Isaac K-r, in London. By a Gentleman, Voluntier in the said Expedition, London: Printed for T. Astley - - 1744" signed at the end: "G. L. Campbell v. E. K." Hitherto everyone (even including the British Museum Catalogue) seems to have considered Campbell as the author's real name, and paid no attention to the "v. E. K." i. e. vice Edward Kimber, which shows that it was a mere alias.

Charles Colcock Jones, Jr., a native of Savannah, is so well known as an historical and antiquarian writer, as scholarly as he was prolific and versatile, that nothing more need be said of him here as an author. But it is by no means so widely known that he was also a really great collector. Besides two fine and extensive collections of Indian relics, he gathered

⁽¹³⁾ The London Magazine expressly stated, 1746, Dec., p. 624 (or p. 64 of the G. H. S. reprint of the Itin. Observ.) that the It. Observ. were written by the author of the Relation or - - Expedition to - - St. Augustine - - 1744 (printed for the publisher of the London Mag.) and then the name "Rev. Isaac K-r in London" on its title suggested to me Isaac Kimber who had a son Edward corresponding to the ending of the pamphlet (p. 36) "Tho' you have lost, for a Time, your dear E--- K---r, yet you may ever expect the same tender, requisite and due Regards from him, who tho' in Name different, in Sentiment will always be like him; and to you, to whom I owe all I am or possess in my Mind. Ever most dutiful, obedient and affectionate G. L. Campbell, v. E. K." which I accordingly took to mean that G. L. C. had in name taken the place of Edward Kimber. Now the London Magazine, 1746, Nov., p. 573 (our reprint p. 53) says that the author of the It. Observ. had contributed to it as "Americus, Cynicus, Kimber & Historicus." His "Historicus" contrib. 1746, Aug., Oct. and Nov., is duly noted in the printed index to the volume thus: "History, some Remarks on it, by Mr. Edward Kimber 415, 515, 565-568, other Pieces by him, 125-128, 248, 321-330, 572, 573. Conclusion of his Observations in America 620-624," which thus settles the whole question definitely. I am trying to find out more about Kimber.

with extraordinary diligence and judgment a very large number of really valuable historical manuscripts (including a complete set of autographs of the Signers of the Declaration of Independence),⁽¹⁴⁾ and engravings and books. Many of his own works and other selected volumes (some 200 in all) he than extra-illustrated so very skilfully as to deserve only the highest praise even from those who in general disapprove of a practice usually carried out in a very mechanical and commonplace way. Col. Jones was a real bibliophile in the best sense of the word. It is of course a pity that his fine library could not have been kept intact just as he left it, but most of his chief treasures are still in the possession of his son and daughter in his house in Augusta, or in the DeRenne Library, which has a special collection of his numerous writings, including now also an interesting paper on an Indian "Canoe in Savannah-River Swamp"⁽¹⁵⁾ not even mentioned in his own or his son's elaborate lists.

THE WYMBERLEY JONES DERENNE GEORGIA LIBRARY, at Wormsloe, is named after its Founder, the eldest child of George Wymberley Jones DeRenne, above mentioned. Born at Newport, R. I., Sept. 23, 1853, he was educated at Newport, Montpelier, France, Vevey, Switzerland, attended the Universities of Leipzig and Strassburg, 1871-74, made a tour of the world, graduated LL. B., at Columbia University, N. Y., married in Philadelphia, ran a cattle-ranch in Texas, lived in Biarritz, France, and then returned to Savannah and Wormsloe in 1891, with his wife and three children. Very soon after he reached Wormsloe in 1891 he determined to follow the example set by his father and collect documents relating to Georgia and its history. With

(14) Part of his Indian Collection is now in the Am. Museum of Natural History, N. Y. City. The autographs (the set of Signers being separated into different lots) and the engraved portraits and views were sold by auction in 1894 cf. above.

(15) The Canoe Paper is in the Journal of the Anthropological Institute of N. Y., vol. 1 No. 1, N. Y., Westermann & Co., "1871-72" pp. 67-70. Cf. list of Jones's writings in A. H. A. A. R. for 1889, pp. 287-293 and by Chas. Edgeworth Jones, his son, in Gulf States Hist. Mag. for March, 1903, substantially reproducing pp. 585-594 of the Hist. of Savannah, Ga., by C. C. Jones, Jr., O. F. Vedder & F. Weldon, Syracuse, N. Y., 1890, there reprinted from John B. Alden's Literary Portraits, N. Y. 1889, taken from his weekly "Literature" for Feb. 9, 1889, N. Y."

characteristically intense energy and persistance and with rare judgment also he devoted himself to this self-imposed undertaking, and he kept at it until his death on June 23, 1916. The first book he thus bought was McCall's rare History of Georgia (1811-16) and during his last illness he succeeded in securing a magnificent copy of the London 1766 volume of Charters of all the American Colonies. He bequeathed the Library to his only son Wymberley W. DeRenne (now Lieutenant in the Army) who has since done everything possible to keep it up as his father would have wished.

Mr. DeRenne was a very strong and striking personality, and his friends still miss him sorely. As regards the Library however, he tried to keep himself in the background, just as he was extremely reluctant to appear in print,⁽¹⁶⁾ for he wished his really wonderful collection to speak for itself. But I must now speak for it to those who cannot see it themselves.

The dignified fire-proof Library building, erected in 1907, facing the water, among the moss covered live-oaks of Wormsloe, is externally classic in appearance, and internally⁽¹⁷⁾ very handsomely and tastefully fitted up in every particular. The building is oblong in shape, a large open fire-place, facing the door, and three large folding double windows on each side. Just inside the door is a bronze model of the Confederate Soldier, presented by G. W. J. DeRenne to top the monument in the Savannah Park Extension.

Yet this noble building is merely a casket for the wonderful treasures it contains. The original vellum manuscript of the Confederate Permanent Constitution, with the signatures of all

(16) He seems to have published nothing except the 1905 catalogue of his Library (merely intended to show that he was collecting in earnest and really buying—as he told me himself), the sketch of Noble Jones above mentioned, a two-page prefatory note to the 1907 edition (which he considered not a success) of our MS. of Lumpkin's account of the Removal of the Cherokees from Georgia, and then in 1909 the privately printed "Short History of the Confederate Constitutions of the Confederate States of Am., 1861-1899" (150 copies) which quotes from: 1. Jeff Davis' *Rise and Fall*, &c., 1, 229; Thos. R. R. Cobb's private MS. notes on the Confed. Const., jotted down at the time, as printed by A. L. Hull in *Publications of the Southern History Association* for Sept. 1905 (IX, 286) and chiefly F. G. de-Fontaine's anon. article "Two Relics of the War" in the N. Y. Sun of March 26, 1883, page 3, column 3, as I have finally discovered.

(17) Cf. frontispiece to our 1911 Catalogue. The much smaller but similar view illustrating the present paper is repeated from G. H. S. Annals 1915, p. 11.

the delegates, is kept in the vault of a bank in Savannah, but the Library contains all the original confidential letters and telegrams from Gen. Lee to Pres. Davis, and many other valuable Confederate MSS., including the original autograph signed of Sherman's famous reply to the Mayor of Atlanta as to removing civilians from the city.⁽¹⁸⁾ We have also, for instance, one of the rare broadsides *printed on satin*, at Augusta, of the Ordinance of Secession of the Republic of Georgia, passed Jan. 19th, 1861. In connection with all these there is a very good collection of books relating to the general government of the Confederacy, and a careful selection of the most important and interesting works on the Civil War, some of which refer to Georgia and Georgia troops only incidentally.

With the exception of this Confederate *selection* the Library contains only material relating to Georgia.

Among the Georgia *Manuscripts* must be mentioned important original letters and reports 1741-43 from Harman Verelst, Accountant of the Ga. Trustees and also Oglethorpe's private agent, addressed to the Earl of Wilmington, the Duke of Newcastle, the Commissioners of the Treasury, &c., Gov. Wright's original detailed reply, dated Feb. 15, 1762, to various questions addressed to him by the Lords of Trade (recd. Oct. 1st, 1761); Gen. Benjamin Lincoln's original Order Book covering the unsuccessful siege of Savannah in Sept.-Oct., 1779; the original anonymous French manuscript Journal of that Siege,⁽¹⁹⁾ of which Col. Jones published a translation in 1874 (dedicated to this Society); a large mass of Gen. Nathanael Greene's Revolutionary correspondence, besides innumerable other letters written by prominent men, many being of great interest. They cover the whole period of Georgia his-

(18) The MS. of the Confed. Constitution was bought by Mrs. G. W. J. DeRenne, July 4, 1883, from Geo. T. Haning, acting for F. G. deFontaine. In Nov. 1897 deFontaine sold the vol. of Opinions of the Attorneys General C. S. A., Apr. 1861-March 1865 to the N. Y. Public Library which printed extracts in its Bulletin for Dec. 1897, and June and Oct. 1898. A facsimile of the signatures is in the 1905 and 1911 cats. of the Library, and also in Mr. DeRenne's Hist. of the Confed. Const. Lee's Dispatches, etc., to Pres. Davis have been admirably edited by Douglas S. Freeman, N. Y., Putnam, 1915. Sherman's letter to the Mayor of Atlanta is printed in his Memoirs, II, 126f. (N. Y., 1875), in the Official Record serial number 78, p. 417f, and already in a Campaign pamphlet of 1864, which we have.

(19) Cf. illustr. of the French MS. Journal in the 1911 Cat. p. 203.

tory, but few are later than the Civil War. However, as these letters have never been calendared they cannot yet be used to advantage.

The numerous *Engravings* include, for instance: Peter Gordon's large View of Savannah as it stood the 29th of March, 1734, of which Washington owned a copy, though very few others can be located today; Faber's handsome large mezzotint after Verelst's lost portrait of Tomochichi and his nephew, painted from life, while they were in England with Oglethorpe in 1734; and a unique, quaint copper-plate engraving by an otherwise unknown "J. W. B." entitled: "The Georgia Militia under Gen. Floyd attacking the Creek Indians at Autossee—Nov. 29th, 1813."⁽²⁰⁾

There is a fine collection of *Maps*, now all definitely identified, and arranged chronologically, beginning long before Georgia was founded. Some manuscript maps are particularly interesting, but many others are very important and almost equally rare. We have now (recently acquired) the Georgia sheet (No. 10) of Henry Popple's semi-official atlas "Map of the British Empire in America" (1732), John Mitchell's very large four-sheet map of the British and French Dominions in North America (Amsterdam 1755), Wm. Faden's North America 1783, with printed border-text (the only other such copy known being in England, in private possession), and, far more interesting still, what is perhaps the only copy in existence (except one in the British Museum) of the first map of Georgia as such in the first official publication of the Georgia Trustees, namely an "earlier state" of the map later published in Samuel Smith's Sermon before the Georgia Trustees and also in Benj. Martyn's Reasons for Es-

(20) Savannah in 1734—the framed Lenox copy is now in the N. Y. Public Library. On Washington's copy cf. Griffin & Lane's Cat. of the Washington Collection in the Boston Athenaeum 1897, p. 562f. The note in Winsor V. 369 makes no distinction between the original engraving and a lithograph made from the British Museum copy about 1875, for G. W. J. DeRenne.

Tomochichi portrait—Jones, Hist. of Ga. I, 134 uses the crude Augsburg lithograph by Kleinschmidt from Ursperger's Salzburger Nachrichten instead of Faber's mezzotint from which it was taken.

Floyd engraving—this is the E. B. Holden copy (sale of Apr.-May 1910, No. 3827) described in D. M. Stauffer's Am. Engravers II, 49, No. 235 (Grolier Club 1907.)

tablishing the Colony of Georgia (both of these "London 1733")⁽²¹⁾ This earlier state showing inscriptions subsequently erased from the copper-plate before the later impressions, occurs in a folio "Some Account of the Designs of the Trustees for Establishing the Colony of Georgia in America" (4 pp. folio—this copy bought by the late Mr. DeRenne in 1911 from Luther S. Livingston) which, as just stated, is apparently the very first separate official publication of the Georgia Trustees, though it was later reprinted and appended to Samuel Smith's Sermon (preached Feb. 23, 1730-31, but not printed until 1733) as mentioned.

Now I must mention some of the most interesting of the *Books*, and, except where the contrary is expressly stated, those mentioned before the bibliographies were all bought by the late Mr. W. J. DeRenne, though some of them came too late for the 1911 Catalogue.

The early publications relating to Georgia are arranged on the shelves chronologically. Very few of importance are lacking, and most of those lacking are represented by complete photographic reproductions, which for many purposes are as good as the originals, though a bibliophile is reluctant to admit this practical fact!

Let us begin with the *only known copy* of a pamphlet entitled: "Description Abregee De l'Etat present de la Caroline Meridionale, nouvelle edition, Avec des Eclaircissements (not in the first edition) A Neufchatel." (1732), signed at the end "Jean Pierre Purry," and thus being the *long lost* publication by the Swiss founder of Purrysburg which Oglethorpe so often cites as an authority in his well known anonymous tract "A New and Accurate Account of the Provinces of South Carolina and Georgia," of which we have now the original issue, dated, London 1732, as well as that of 1733 (identical, except the title page) reprinted in the first volume of our Society's Col-

(21) Faden's 1783 map with border text in possession of Col. Dudley A. Mills of Drokess, Beaulieu, Hants, England. Cf. his article in the *United Empire* for Oct. 1911.

The Smith-Martyn map is reproduced in Winsor V, 365.

lections, 1840. We have the C. C. Jones copy, including the extremely rare third volume, ⁽²²⁾ of Wm. Stephen's *Journal of the Proceedings in Georgia*, London 1742, and also the Jones copy, the *only one now known*, except that in the Leiter Library of the folio "Journal of the Congress of the Four Southern Governors, and the Superintendent of that District, with the Five Nations of Indians, at Augusta, 1763. (Oct.-Nov.)—Charles-Town: Printed by Peter Timothy, 1764. (only 50 copies printed) ⁽²³⁾ "of which Jones gives an abstract in his *History of Ga.* (11,41-46), for it was a very important congress ordered by Sir Chas. Wyndham, second Earl of Egremont, as British Secretary of State for the Southern Department, in connection with the then recent annexation to Georgia of the lands between the rivers Altamaha and St. Mary, and the establishment of the separate governments of East and West Florida. Our copy of the little pamphlet "Account of the Siege of Savannah, by the French and Rebels, Commanded by Count D'Estaing and General Lincoln, together with Sundry other Matters which happened prior and subsequently thereto, chiefly extracted from The Royal Georgia Gazette. Savannah: Printed by James Johnston, 1780." ⁽²⁴⁾ is apparently also unique, and is the more valuable as the original Savannah newspapers from which it was extracted seem to have almost all disappeared, though we have nine unique numbers of Nov. 1779-Jan. 1780. ⁽²⁵⁾

Col. Jones felt sure that his copy of the original edition of T. U. P. Charlton's *Life of Gen. James Jackson*, Augusta, 1809,

⁽²²⁾ The 1905 Supplement to *Ga. Colonial Records IV* consists of a reprint from our copy of Vol. III, covering Oct. 5, 1740-Oct. 28, 1741. The Earl of Egmont's copy is in the John Carter Brown Library, the Ebeling copy at Harvard, and the Tefft copy in our Society's library; there is another in the Advocate's Library, Edinburgh; but the incomplete Elzas copy (A. H. A. A. R. for 1907, I, 167n.) was recently destroyed by fire in New York.

⁽²³⁾ The Journal (p. 43) records an order that 50 copies of it be printed. Cf. C. C. Jones, Jr., and Dutcher's *Memorial Hist. of Augusta*, 1890, pp. 44f and Stevens, *Hist. Ga.* II, 26-29. Our copy is described in H. F. De Puy's *Bibliogr. of Engl. Colonial Treaties with the Am. Indians* (N. Y. Lenox Club 1917) p. 48 from an abstract sent him. He also reproduces the illustr. from our 1911 Cat. p. 218. Cf. Leiter cat. p. 113.

⁽²⁴⁾ Cf. illustr. in our 1911 Cat. p. 208.

⁽²⁵⁾ Namely Nos. 39-43 and 45-48 for Nov. 25, Dec. 2, 9, 16, 23, 1779 and Jan. 6, 13, 20, 27, 1780—all not in C. S. Brigham's very useful list of early Am. Newspapers in *Proceedings of the Am. Antique Soc.* for Oct. 1913.

was the only one in existence. (26) We now have one too (recent acquisition). Gov. Gilmer's "Georgians" or more correctly "Sketches of some of the First Settlers of Upper Georgia, of the Cherokees and the Author. N. Y. 1855" is now regarded as quite a rare book. We have the author's own copy, with his very numerous alterations and corrections in his own handwriting, intended for use in any future edition. Dr. U. B. Phillips in his admirable Life of Robert Toombs, 1913 (p.155f.) calls attention to the fact that the substance of his famous Slavery lecture in Tremont Temple, Boston, on Jan. 24, 1856, (27) was already contained in "An Oration delivered before the Few and Phi Gamma Societies of Emory College, at Oxford, Ga., July (20th)—Augusta 1853," and Phillips quotes from this since it is now so rare that he knew of no copy except that in the Boston Public Library. We now have one, and also a MS. letter from Toombs as to arrangements for the Tremont Temple lecture, stating that he wished the "hundred dollars compensation" to be devoted to "relieving foreign emigrants who may land at Boston." (both recent acquisitions).

The first printed Georgia drama may well have been "The Mysterious Father; a tragedy, in five acts by William B. Maxwell. Savannah Printed by Everitt & Evans - - - 1807. "and we have what seems to be the only copy of it left. Perhaps its title was suggested by Horace Walpole's startling tragedy, "The Mysterious Mother." Though the unauthorized Northern reprints of Judge Longstreet's famous anonymous "Georgia Scenes" are so common, not many people have ever seen the original edition, Augusta 1835. The son and daughter of Col. Jones generously presented their father's copy, containing an autograph letter of the author, to the late Mr. DeRenne.

(26) Jones's copy is now in private possession in Atlanta. From it Meegan's undated reprint of 250 copies was made in 1896. But Sabin's Dict. III (1870) No. 12152 had already recorded the Boston Athenaeum copy and now I have found another in the Charleston Library Society. Our copy lacks two leaves, now supplied in photo, from the B. A. copy, with Hugh McCall's signature on its title-page.

(27) Toombs's JS56 slavery lecture is printed in Stephens's War between the States I, 625-47 (1868.)

shortly before his death, and we have now also the Southern Literary Messenger for March, 1836, with Poe's enthusiastic anonymous review of the book.

Thackeray was no doubt the greatest writer who ever visited Savannah, and he was here twice, in March 1853 and again in Feb. 1856 (not 1855 as often stated). Probably it was during the second of these visits, while he was the guest of Mr. Andrew Low, that he wrote that charming little illustrated Savannah sketch which he later copied out and contributed, under the title "A Leaf out of a Sketch-Book" to Miss A. A. Procter's miscellany "The Victoria Regia" London, 1861. To show her gratitude, she then had it reprinted separately as a little brochure, on the cover of which is printed "25 Copies for the Author's Use," and very naturally this little author's edition is now extremely rare and eagerly sought after by all Thackeray collectors. We are therefore very fortunate to have now a copy of this interesting literary curiosity, as well as the "Victoria Regia," (both recent acquisitions.) (28)

These few concrete instances are selected as typical, for it is impossible and tiresome to give long lists of titles, and there are thousands of them! However I must mention that the Library has the "Governor Ewen copy" (the best except that in our Society's library) of the Georgia Acts of 1755-70 printed 1763ff. by James Johnston, many apparently unique printed acts between 1771-99 not since reprinted, and then the original

(28) When Thackeray's "Feast of St. Valentine" Savannah letter to Miss Perry was first printed (Scribner's Magazine for Oct. 1857, p. 416) the date 1855 instead of 1856 was carelessly added, in square brackets, which has led to much confusion, though of course there is no doubt whatever as to the correct date. He wrote a letter from Macon dated Feb. 23, 1856, sold in the Wm. H. Lambert Thackeray sale as lot No. 399 (Feb. 1914.) Our copy of the 1861 brochure was presented by Mrs. Coerr, Lieut. De-Renne's sister. This sketch was included by James T. Fields in his vol. Early and late papers of T. hitherto uncollected, Boston 1867, pp. 261-263, but it was not reprinted in England until 1886 in the *Essays &c.*, forming vol. 23 of T.'s Works. The MS. of this sketch sold in the Lambert Thackeray sale (as lot No. 1090 on Feb. 27, 1914) is now in the possession of Mr. Phoenix Ingraham of N. Y., who kindly informs me that it is on Cornhill Magazine paper, was certainly written in 1861, and contains various corrections (no doubt showing the difference between the printed and the original sketch book forms.)

editions of all the Georgia Sessions Laws 1799 to date including now 1818; also what seems to be the only known copy of the second Georgia Constitution, 1789, as printed that year. (29)

The above early acts printed in Savannah in March or April 1763 are perhaps the very first productions of the press in Georgia, and the first book (now known) was probably "The South-Carolina and Georgia Almanack, For the Year of Our Lord 1764- -By John Tobler, Esq.; - -Georgia: Savannah, Printed by James Johnston." (advertised in the Georgia Gazette of Dec. 8, 1763) which we have also. (30) But the Acts may have been preceded by the first newspaper, "The Georgia Gazette" of April 7, 1763. We have a complete photographic reproduction (exactly like the one which the late Mr. DeRenne presented to our Society) of the unique set through May 23, 1770, preserved in the library of the Mass. Historical Society, (31) and we have also later original numbers, otherwise unknown, and many files of newspapers of Savannah, Augusta and Milledgeville, &c., before the Civil War. Of course we have also the Gentleman's Magazine and the London Magazine, besides the Historical Magazine (1857-75) and its successor the Magazine of Am. History (1877-93) and various early Georgia periodicals, not newspapers.

I must mention the fine collections of original editions of travels in Georgia, the set of Urlsperger (now at last quite complete) (32) on the Salzburgers in Georgia, the Indian col-

(29) Cf. Illustr. in 1911, Cat. p. 23.

(30) Cf. Illustr. in 1911, Cat. p. 6. This is the *First Georgia Almanach*. Tobler's subsequent vols. for S. C. and Ga. were printed in Charleston instead of Savannah. Cf. Miss Mabel L. Webber's valuable list in the S. C. Hist. & Genealog. Mag. for April, 1914. The late Mr. DeRenne had a second copy of the above Almanach for 1764 but presented it to the Library of Congress.

(31) The Editor of this magazine, Mr. Wm. Harden, kindly calls my attention to records printed in Proceedings of the Mass. Hist. Soc. vol I. 1791-1835 (Boston 1879) pp. 104, 106, 139 showing that these "Newspapers of Savannah, Georgia, from 1763 to 1770, two volumes, bound" were presented at the Quarterly Meeting on Jan. 27, 1807, by Dr. Lemuel Kollock of Savannah, who had been nominated as Corresp. Member at the Quart. Meeting on Jan. 31, 1797 and elected at the Annual Meeting April 25, 1797.

(32) Mr. Andrew Keogh, Librarian of Yale Univ. very kindly aided us in securing at last that "Viertes Stuck," Augsburg 1767, of Urlsperger's "Americanisches Ackerwerk Gottes" (cf. 1911 Cat. p. 178) soon after the death of Mr. DeRenne, who had so eagerly sought it for years in vain. I then obtained also the little poem on the Nightingale ("Erbauliche Gedanken von der Nachtigal") 4 leaves measuring only 4 1-2x3 1-8 inches, almost always lacking in the 14th continuation 1749 of the *Salzburger Nachrichten*. Then our set was quite complete.

lection, works connected with the infamous Yazoo land frauds (including the Yazoo Act itself as officially printed when first passed), the works of Georgia authors (Lanier, Richard Malcolm Johnston and Joel Chandler Harris, much more nearly complete than in the 1911 Catalogue), the sets of Savannah Mayors' Reports and the City Directories (including that for 1849 recently discovered), and the numerous histories and biographies, &c.

Last, but by no means least for practical purposes, a fine collection (no doubt far the best South of the Congressional Library) of the most important bibliographies in our field, including now Obadiah Rich's rare "Bibliotheca Americana Nova" ed. 1846, 2 vols. covering 1701-1844 (with the other parts for 1506-1700), Henry Stevens's "Historical Nuggets," 1862, 2 vols., Sabin's vast standard "Dictionary of Books relating to America," 1868 to date (including 82,714 numbers to John Smith so far), and Chas. Evans's chronologically arranged American Bibliography, 1903 to date (so far 25,074 numbers through 1792), serve as an absolutely indispensable key and guide to the whole. These are supplemented by the Harvard, Mass. Hist. Society, Boston Athenaeum, Library Co. of Phila., and Richmond Confederate Museum catalogues, with various publications of the Library of Congress. We have also many standard catalogues of famous private collections, such as the S. L. M. Barlow, 1889 (sale 1890), J. R. Bartlett, 1866, (310 copies, Civil War), Geo. Brinley sale, 1878-93 (5 parts), T. W. Field sale, 1875 (Indians), H. A. Morrison's catalogue of the Levi Z. Leiter Library, 1907 (100 copies, de luxe copy presented by Mr. Joseph Leiter), Lt. Col. John P. Nicholson, 1914, (300 copies, Civil War, presented by the owner), Henry Stevens's sale at Sotheby's, July 1881, (includes the Egmont Journal MS. as lot No. 239) and lastly Hildeburn's famous and elaborate Catalogue of the Charlemagne Tower Collection of Am. Colonial Laws, 1890 (privately printed for the Hist. Soc. of Pa., which gave us the catalogue).

We have, of course, the necessary volumes of the Carnegie Institution's scholarly Guides to Material for Am. History in Europe; the New York Public Library kindly gave us a copy (only 100 printed in 1900) of the careful Calendar of its great Emmet Collection of Manuscripts, containing much on Georgia.

By far the most important recent donation to the Library from a stranger is Mrs. Whitelaw Reid's most generous gift, last year, of a copy of her magnificent and most elaborate privately printed Roxburghe Club quarto volume of documents relating to the claims of the American Loyalists in the Revolution. (33) A very large part of this hitherto practically unknown material relates to Georgia and Savannah, and we are therefore particularly glad to have here what is probably the only copy South of Washington of this splendid and most scholarly work. After the book was printed, Mrs. Reid presented all the manuscripts (some were printed only in abstract) to the New York Public Library.

But I have detained you too long already with this enumeration, and there are about five thousand items (not counting the manuscripts), each selected for its historical value, not mere arithmetical rarity.

In each case every effort has been made to get the *real original*, the genuine first edition, and, if differences can be discovered, then the *best edition also*. Thus the Library endeavors to gather and preserve together a set of standards on which historical students can rely with far more confidence than is usually justified. In the case of Manuscripts at least lawyers are taught to go to the original, but as to printed books most people, even students, seem to assume that the difference cannot be really material, or, in other words, that any mere reprinter, no matter who he be, is quite reliable enough, and that any changes are probably simply improvements. Yet every-

(33) The title is: "The Royal Commission on the Losses and Services of American Loyalists 1783 to 1785, being the Notes of Mr. Daniel Coke, M. P., one of the Commissioners during that period, edited by Hugh Edward Egerton, Bent Prof. of Colonial Hist. in the Univ. of Oxford, Oxford, printed for Presentation to the Members of the Roxburghe Club, MDCCCCXV," 4to, pp. iv. and 422 pages.

one knows at least that Kipling entirely rewrote the last part of "The Light that Failed," and some of us may possibly even remember that Carlyle in the Edinburgh Review flatly contradicted William Taylor of Norwich as to the ending of Goethe's drama "Stella" (34)—to the great surprise and amazement of Taylor and his biographer Robberds—when as a matter of fact that play too had been rewritten by its author, though none of them even thought of that as a possible explanation. We may not agree with the poet Swinburne that much of what we now read in Hamlet yet was not in the first edition almost spoils the whole thing, and therefore could not possibly have been written or authorized for printing by Shakespeare (to say nothing of Bacon), but *just how great such changes are* nothing in the world except an actual comparison, either with another book or with an apparently reliable bibliography, (none are infallible), can possibly show. Such comparison is absolutely necessary in each case, even in order to determine if the copy is complete. I have mentioned an instance where there proved to be even more on an early map than on a later impression from the very same plate. Even the late Luther S. Livingston failed to notice this fact, though he carefully examined these maps before he sold the earliest of them to the late Mr. DeRenne in 1911, but it was discovered by Mr. George Watson Cole, while working here in Aug. 1917, just as his wonderful and now literally world-famous catalogue of the library (Americana, No. 866) of the late E. D. Church (it now belongs to Mr. Henry E. Huntington) at last fully described the *excessively rare Appendix* (3pp.) to Sir Robert Montgomery's well-known pamphlet "A Discourse Concerning the design'd Establishment Of a New Colony to the South of Carolina, in the Most Delightful Country of the Universe. London: Printed in the Year 1717." This Appendix permits subscribers to Mountgomery's proposed colony of Azilia to deposit half of their subscriptions with Turner, Caswell & Co., and then with-

(34) Carlyle says (Essays, Centenary Edition II, 351 from Ed. Rev. for March 1831): "that his *Stella* ends quietly in Bigamy (to Mr. Taylor's satisfaction) which, however the French transl. may run, in the original it certainly does not."

draw it again, if they do not wish to pay the other half. But, as our President's interesting Annual Report on the Georgia Islands (G. H. S. Annals 1916, p. 17) recently explained, Montgomery's scheme came to nothing after all. I call attention to this Appendix here, because though the indefatigable bibliographer Sabin, in his Dictionary of Books relating to America (vol. 12, 1880, No. 51194) duly records it, and even refers to the Boston Athenaeum copy (of which we now have a photograph) it is completely ignored by Jones, Winsor & McCrady, and was of course not added in Humphrey's reprint (for May, 1897), of the reprint in Force's Tracts (I No. 1) 1836. Having practically stated that Oglethorpe's pamphlet, reprinted in the first volume of our Society's Collections should have been dated there 1732, instead of 1733, since the latter in fact consists of the original sheets (*not reprinted*) of the former merely with a new title-page, I may add that the same fact is true of the 1737 and 1735 issues of the New Voyage to Georgia in the second volume of the Collections. Similarly, but this time by a comparison of the books themselves without reference to a bibliography, I recently discovered that the English translation (by H. Neuman) of the Duke de La Rochefoucauld-Liancourt's Travels through the United States -- simply omits (1,604 of the original ed., London 1799, 4to.) 53 entire pages of the French original (IV, 117-170), all being on Georgia and very interesting *without the slightest word of warning*. Such instances might be multiplied indefinitely, but these few will amply suffice to show the actual necessity of having at hand some reliable standard for comparison.

The late Mr. DeRenne was intensely interested in everything connected with his wonderful Library. The new building and its contents were to him almost a holy of holies. Though he regarded his private library as a sort of public trust for the benefit and use of scholars, whom he delighted to welcome most hospitably, yet he also realized that such a collection, like the so-called "case books" of the British Museum or the "Reserve of the N. Y. Public Library, can, as a rule, be used with real advantage to themselves (and to the books), only by scholars and

specialists, and not by the merely curious miscellaneous general public. The additional fact that the library is situated on a private plantation, some eight miles from Savannah, has prevented more than a very few persons, comparatively, from actually seeing it at all, and the 1911 Catalogue⁽³⁵⁾ (200 copies only) is so little known, and was compiled in such extreme haste, that almost no one has any definite idea as to just what it contains. A new and much more elaborate Catalogue in which the late Mr. DeRenne, his son, Lieut. W. W. DeRenne (the present owner), and also the latter's sisters, Mrs. Elfrida Barrow and Mrs. Audrey Coerr, have taken the very deepest interest, has been in preparation since March, 1916, and is now nearing completion, as far as preliminaries are concerned, but the War has necessarily postponed its printing until later, and until then the Library must remain comparatively passive.

So I am particularly glad to have this opportunity to thank now those who have helped us most in carrying on the work. My friend, Mr. George Watson Cole, author of the famous Catalogue of the E. D. Church Library, now Pres. of the Bibliographical Society of Am. and Librarian of the Henry E. Huntington Library, spent three weeks of Aug., 1917, here (with Mr. H. R. Mead as his Assistant) cataloguing our chief treasures bibliographically. Mr. T. L. Cole, of Washington, D. C., who knows more about American Statute Laws than anyone else, was here, with all his Georgia notes, in Jan. 1918, for a week, and materially enriched our catalogue cards in his chosen field. Mr. William Price acted as my assistant, very conscientiously, for eighteen months, from Feb. 1916, giving us the benefit of his unusual learning, especially in languages. I have continuously received much courteous aid and encouragement from such authorities as Dr. J. F. Jameson, Director of the Historical Department of the Carnegie Institution, Mr. W. C. Ford of the Mass. Hist. Society, Messrs. Wilberforce Eames and V. H. Paltsits of the N. Y. Public Library, G. P.

(35) Title of 1911 Cat: "Books Relating to the History of Georgia in the Library of Wmberley Jones DeRenne of Wormsloe, Isle of Hope, Chatham County, Georgia. Compiled and Annotated by Oscar Wegelin, 1911." (Savannah Morning News printers.)
The compiling was done in five or six weeks; thus it is unfair to judge Mr. Wegelin's work by this Catalogue.

Winship of Harvard, and from various officials of the Library of Congress, N. Y. Public Library, Hist. Soc. of Pa., Library Co. of Philadelphia, Harvard Library, Boston Athenaeum, Yale Library, John Carter Brown Library. The John Carter Brown Library also very kindly loaned us a copy of their very rare and valuable printed catalogue covering the eighteenth century. Miss Mabel L. Webber, the indefatigable Librarian, Secretary and Treasurer Etc., Etc., of the S. Ca. Hist. Soc., Miss E. M. FitzSimons, Librarian of the Charleston Library Soc., our own State Librarian, Mrs. Maud Barker Cobb, and her able Assistant Miss Carrie L. Dailey (compiler of the valuable Ga. bibliography in Bowker's "State Publications," N. Y. 1908) have promptly answered many specific bibliographical queries; and Mr. Wm. Harden, the courteous Librarian of the Ga. Hist. Soc., has kindly called my attention to various books, of which I later found and bought copies.

Though under present war conditions the influence of this Library is just now potential rather than active, its mere presence comparatively near the collections of the Ga. Hist. Society would seem to account for the fact that Prof. Theodore H. Jack, of Emory University, last year publicly suggested (36) to his fellow-members of the new Georgia Historical Association, most of whom live very far from Savannah and from any such materials except that in the Atlanta Archives, that their Society (whose name is so strikingly similar to ours, as well as its scope and avowed aims) should substantially confine itself to the more recent history of the State (e. g. the period since the Revolution) thus leaving the rest to us still.

Such a policy, based on our own motto, would indeed tend to prevent unnecessary duplication of work. In any case, certainly no one can dispute the fact that our (older) Society has always aimed at doing its best, and has also always gladly welcomed every worker in the whole field. Since 1900 it has published more, including the Quarterly, than ever before.

The late Mr. DeRenne wished to aid materially every serious seeker after historical truth. Let us all try to follow his example in this.

(36) Cf. Proceedings of the Ga. Historical Association I, 30 (1907.)

GEORGIA AND THE AFRICAN SLAVE TRADE.

JUSTICE JAMES M. WAYNE'S CHARGE TO THE GRAND JURY IN 1859.

The subject of the African Slave Trade has engaged the attention of a great many writers, and has been the cause of so much bitter feeling that its discussion, once so frequent, is now comparatively seldom referred to. There are however, matters connected with that business which, brought to light, even now may arouse the interest of those who are not well informed on the subject, and possibly of some who are well acquainted with the facts from which stupendous results have flowed.

The attempts to secure the conviction of the owners of vessels engaged in the importation of slaves into the United States were usually unsuccessful, and in the case of the Georgia yacht "Wanderer," said by Alexander Johnston, in the "Cyclopedia of Political Science" to be "the most notorious case" of all, there was no conviction. In the words of the Honorable Henry R. Jackson, who was employed to assist the Government in the prosecution, "As in the other pirate cases there was no verdict rendered by the trial jury."

It seems that the "Wanderer" was one of three vessels fitted out for the trade by the same owners, the other two bearing the names of the "Richard Cobden" and the "Rawlins." In the case of the first named, when the decision was reached to have the interested parties indicted, Justice James M. Wayne, a Georgia member of the Supreme Court of the United States, presided in the District Court held in Savannah, the bench being occupied by him and Judge John C. Nicoll, the District Judge of the Sixth Circuit Court of the United States for the Southern District of Georgia. Justice Wayne delivered the charge

to the Grand Jury. There were eighteen men on the Jury, all of them prominent citizens of Savannah, and men of influence and of dignified moral character. These are their names: Anthony Porter, who was the foreman, Rev. Farley R. Sweat, Noah B. Knapp, Dr. William M. Charters, Dr. John A. Wragg, Dr. James M. Schley, James Gallaudet, William H. Davis, John R. Wilder, Vardy Woolley, William Neyle Habersham, Wallace Cumming, Joseph Lippman, Jordan P. Brooks, John W. Rabun, Abraham Minis, John C. Ferrill, and Dr. James S. Sullivan. They, at the conclusion of the charge, on the 16th of November, 1859, adopted the following preamble and resolution:

"WHEREAS, the Grand Jury of the Sixth Circuit Court of the United States have been much interested in the learned and lucid charge of his Honor, Judge James M. Wayne, Circuit Judge of said Court:

"Resolved, That the Grand Jury respectfully ask for publication, by the Court, of said charge, for general information.

The request was granted, and the charge was printed. Copies of it are rarely to be found, and it is herewith given, with the belief that it will be gladly read.

THE EDITOR.

CHARGE

MR. FOREMAN AND GENTLEMEN:

We have met to perform those duties which are assigned to us by the Constitution of the United States, and the legislation of Congress, for the judicial administration of both.

Such a delegation of trust imposes upon yourselves as Grand Jurors, and upon this Court, conscientious responsibilities and large functions. Let us proceed, gentlemen, to discharge them, in conformity with the confidence with which they have been conferred.

I proceed to state the relations of Grand Jurors to the Courts of the United States as a part of them, and to their business.

The Constitution of the United States "declares that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment of a Grand Jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger." It shows that the functions of Grand Jurors are commensurate with the entire penal legislation of Congress. Its enactments are for the punishment of offences against the government, offences against persons, such as are against property, those which may be committed on the high seas, or in rivers, harbors, bays or basins out of the jurisdiction of any particular State; for offences against public justice, such as relate to the coin and the public securities of the United States; for offences in violation of the Post Office Laws, and for all of those penal provisions which have been passed for the security of trade and commerce, in respect to the safety of the vehicles or vessels, in which it is carried on, to the commodities which may be transported in them, and to those persons who are employed to do the work of transportation.

This enumeration, without mentioning the particulars of any one of them, discloses the extent and variety of the services which Grand Jurors may have to discharge in the ad-

ministration of penal law in the Courts of the United States. Whatever, gentlemen, we can do to aid your enquiries in any matter which you may have before you, will be cheerfully done by either brother Nicoll or myself, and it is your right to call upon us for advice and instruction in all matters of law.

We are not yet informed as to the particular offences which will be submitted to your consideration. The Court will instruct you in the law applicable to them, as they shall be presented by the District Attorney. It may be, however, that the trials which will take place at this term of the Court for transgressions of the Slave Trade Acts, may disclose matter for other prosecutions of the same kind. Certain it is, that some of those persons who were concerned in fitting out the Wanderer for a Slave Trade voyage; and that others engaged in its execution, to the entire consummation of their purpose in this State, have not as yet been brought to the bar of justice. They may yet stand in our presence, with proof enough of their complicity with those who have been indicted, to make it your duty to place them in the same predicament. I would rather that there should be no cause to increase the criminal calendar of the Court; but if there are persons not registered in it, who have bought off an exemption from prosecution, and we shall have a strong legal suspicion of it; *and who they are*, it imposes upon you an obligation to aid the Court by the use of legitimate evidence, to strip them of their imagined security; that they may be placed alongside of their degraded instruments, who were allured by large wages, and with promises of co-partnership in the results of the voyage, to become transgressors of the law.

Besides, gentlemen, a circumstance has recently occurred in this city, which impresses the larger portion of its people, I may say all, (with few exceptions,) with the belief that the same vessel has been furtively taken from this port, to be engaged again in the same unlawful trade. This incident, with some expectation that you may be called upon to act

upon it, and upon bills for violations of the Slave Trade Acts, induces me, for the information of yourselves, and our people at large, to charge you upon the legislation of Congress upon that subject, and to give its history. I shall assert nothing without the documentary annals of our country to sustain what I shall say; with such references to them, as will enable any one, and every one, who hears me to verify, or to disaffirm the conclusions of my investigation, if the latter can be done.

I proceed now to give the legislation of Congress for the prohibition of the slave trade. It shall be chronological and minute, for instruction generally, and as a warning to such persons who at any time may be seduced by a corrupt avarice to engage in that inhuman trade. These enactments are in conformity with the Constitution, and with that clause of it which declares that the "migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." The clause has its place in the enumerated powers of Congress.

The first act was passed on the 22d March, 1794, when General Washington was President. It was intended to prevent any citizen or resident of the United States from equipping vessels within the United States to carry on trade or traffic in slaves *to any foreign country*. (Brig *Triphenia* vs. *Harrison*, W. C. C., 522.) That is, though slaves might be brought into the United States until the year 1808, in vessels fitted out in our ports for that purpose, they could not be carried by our citizens or residents in the United States in such vessels, *into any foreign country*. The forfeiture of the vessel, which had been fitted out, attached when the original voyage was begun in the United States; notwithstanding the pretended transfer of her in a foreign port, and the commencement of a new voyage from such port. (The *Plattsburgh*, Wheaton, 133.)

This Act is still in force. The forfeiture attaches, though the equipments of the voyage may not have been completed, it being sufficient that any preparations were made for the unlawful purpose. The Act, also, imposes a penalty of two thousand dollars upon any person fitting out such a vessel or aiding or abetting to do so. And as prevention of such a traffic was the object to be attained, the Act was applied to foreign vessels in *this particular*, that if one of them in our ports shall be suspected to be intended for the slave trade, her owner, master or factor, each and all of them, upon the oath of a citizen of the United States, to that intent, may be required to give bonds to the Treasurer of the United States, that none of the natives of Africa, or negroes of any foreign country, should be taken on board of her, to be sold as slaves in any foreign port, whatever, within nine months afterward. In addition, a citizen of the United States is liable to a forfeiture of two hundred dollars for every person he may receive on board of such vessel for the purpose of selling them as slaves. This statute accomplished its purpose for a time. But when it was found that some of our citizens, and foreigners residing in the United States, who had been accustomed to traffic in slaves, misused their privilege to bring slaves into the United States, by engaging their vessels for taking slaves from one foreign country to another, Congress passed the Act of the 10th May, 1800. It subjected to forfeiture any right or property in a vessel so employed, and the owners to pay a sum of money equal to double the value of their interest in her.

The judicial interpretation of this Act is, that a vessel caught in such a trade, though it be before she has taken slaves on board, is liable to forfeiture. That a forfeiture was also incurred if *slaves were carried as freight* from one foreign port to another in the same kingdom; or from a foreign port to another in any other country. The Act, too, declares that it shall be unlawful for *any citizen of the United States or for any person residing in them, to serve on board of any vessel of the United States employed in the transportation of slaves*.

from one foreign country to another; and that for doing so, they should be indicted, and be subjected to a fine not exceeding two thousand dollars, and imprisonment not exceeding two years. That he shall also be liable to the same fine and imprisonment for being voluntarily employed on board of a foreign vessel for the same purpose. The judicial interpretation of this Act is, that *an actual transportation of slaves* is not necessary to incur its penalties. It is enough that the vessel was bound to the coast of Africa with the intent to take slaves on board, and that the person charged with violating the Act, *knew that*, and voluntarily served on board of her. (U. S. *vs.* Morris, 14 Peters, 464.) It is not necessary to do more than to mention that there are other sections of this Act providing for the capture of vessels engaged in such a trade; also, for their forfeiture for the benefit of the captors, and precluding all persons interested in such vessel, her enterprise or voyage, from all right to claim any slaves on board of her, *any denying to them any damages or retribution* on account of her capture. The Act further directs the Commander of the ship, making the seizure of such a vessel, to take her officers and crew, and any person found on board of her, into custody; and to convey them to the civil authority of the United States, in some of the judicial districts, for prosecution. It had been early found that some of those persons most concerned in violating the laws, (just as it has been recently attempted,) claimed to be exempt from its penalties, on the ground of being *passengers* on board of the vessel seized. Congress met the artifice, by declaring that all persons making such a declaration, should nevertheless be taken into custody for prosecution, and any commander who shall seize such a vessel, with a person on board of her, and who attempts to exercise his judgment in respect to the validity of such an excuse, breaks the law.

It was early afterwards decided by Judge Bee of South Carolina, that *any person* might make a seizure of such vessel for condemnation, under the Act. His ruling was affirmed by

the Supreme Court of the United States in the case of the *Josefa Segunda*, 10 Wheaton, 331. The Act also gave to the President of the United States the naval forces to be employed in enforcing it. It provides for the punishment of the master of the vessel seized, subjecting him to a fine not exceeding ten thousand dollars, and to imprisonment of not less than two and not more than four years.

The next Act of Congress was passed on the 2d March, 1807, when Mr. Jefferson was President. I will hereafter show that it was done upon his official suggestion; and I only do not do so now from unwillingness to divert your minds into another train of thought from the legislation itself. The Act of 1807 begins by subjecting any vessel to forfeiture which shall be found in any river, bay or harbor, or on the high seas within the jurisdictional limits of the United States, or which may be hovering on the coast, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with the intent to land them in any port or place within the United States.

The Act of 1818 prohibits the importation of negroes altogether into the United States from any foreign kingdom, place or country, without excluding the return to it of such slaves as might leave the United States as servants of their owners, comprehending such as have been employed as seamen on a foreign voyage. (United States *vs.* Skiddy, 11 Peters, 73.) The ship in which they are brought is forfeited. It also forfeits any vessel built or equipped for the purpose of bringing slaves into the United States, or for the purpose of transporting them to any foreign country, and any preparation which clearly manifests an intent to prosecute a slave voyage, constitutes a fitting out under the Act.

This offence being by the Act a misdemeanor, all concerned in it are principals. (United States *vs.* Gooding, 12 Wheaton, 460.) The penalty under the Act for fitting out vessels for the slave trade, and all persons in any way concerned, is a fine not less than one thousand nor more than

four thousand dollars, and imprisonment, which may be extended from three to seven years. It also inflicts other and severe penalties upon citizens of the United Staes, and other persons residing therein, for being concerned in the slave trade, either on shore or at sea, and it provides, as previous Acts did, against carrying slaves from one port to another in a foreign country. (The Merino, 9 Wheaton, 391.)

It takes from the importer of slaves, and from any other persons claiming them under him, or who may have bought them from his agent, any right, title or interest whatever in the service or labor of any negro, mulatto or other person of color, so acquired. The purchasers of such slaves may be punished. Those, also, who may have aided or abetted the importations of such slaves, and all persons are punishable who shall hold, sell, or otherwise dispose of any negro, with intent to make him a slave, who shall know that he was introduced into the United States contrary to law.

And in the 8th section of the Act it is declared that in all prosecutions under it, the defendant shall be held to prove that the negro, mulatto, or person of color, which he shall be charged with having brought into the United States, or with having purchased, or with having held or sold, or otherwise having disposed of, was brought into the United States five years before the commencement of the prosecution, or that he was not brought into it contrary to the provisions of the Act.

Upon the failure by the person charged to make such proofs he shall be adjudged guilty of the offence with which he may stand charged under the Act. By which I understand, that after the prosecuting officer has made out a *prima facie* case, that a negro or mulatto is in possession of the accused, who has been brought into the United States contrary to law, that the burden of proof is cast upon the holder of the negro, to exempt himself from the penalties of the law.

The Act of 1819 authorizes the President, in a more particular manner than had been done before, to use the naval force for the prevention of the slave trade, points out the cir-

cumstances and the localities in which seizures of vessels may be made, directs the distribution of the proceeds of them after condemnation, requires that negroes found on board of them shall be delivered to the Marshal, what that officer's duty then is, and again commands that the officer making the seizure shall take into his custody every person found on board, being of the crew or officers of the vessel seized, and that they are to be turned over to the civil authority for prosecution. A bounty of twenty-five dollars is given for the detection of every negro, &c., &c., brought into the United States contrary to law, which the Secretary of the Treasury is authorized to pay to the informer. The Government is also authorized to pay a specific sum to any person who shall lodge information with the District Attorney of any State or Territory into which negroes have been introduced, contrary to the provisions of this Act.

It is then made that officer's duty to commence a prosecution, by information, to ascertain the fact of the unlawful introduction, and process is issued against the person charged with holding any such negro. If upon the return of the process executed, it shall be ascertained by the verdict of a jury that the negro has been brought into the United States as the informer had alleged, he is entitled to receive *fifty dollars* for each negro delivered to the Marshal, or of whom that officer may get the possession. I have been more particular in reciting what should be the proceedings, on account of it not having been pursued, when a number of Africans, supposed to be of the Wanderer cargo, were in the possession of an officer, from whom they were taken by the intervention of a State officer's warrant, without there being the slightest authority for doing so. I suggest, as the release of the Africans alluded to was a nullity, that proceedings against the persons concerned in it may still be instituted in vindication of the violation of the laws of the United States, and that new proceedings may be brought upon a proper affidavit of any one that another person was or is in possession of

any of the negroes brought in by the Wanderer, for carrying out the United States law to its conclusion for the benefit of whoever was or may become the informer.

This brings us to the last act upon the subject, that of the 15th of May, 1820. It denounces any citizen of the United States as a pirate, and that he shall suffer death, who shall become one of the crew or ship's company of any foreign ship; and that any *person whatever* becomes a pirate, and shall suffer death, who shall become one of the crew or ship's company of any vessel, owned in the whole or in part, or which shall be navigated for or in behalf of any citizen of the United States, or who shall land from such vessel or any foreign shore, and shall seize any negro or mulatto not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or who shall decoy or forcibly bring or carry, or who shall receive on board of such ship, any negro or mulatto with intent to make them slaves. The fifth section of the Act declares that, if either of the same classes of persons in the same classes of vessels shall forcibly confine or detain or abet or aid to do so, any negro or mulatto on either of such ships, not held to service or labor by the laws of any of the States or Territories of the United States, with intent to make such persons slaves—or who shall on the high seas, or anywhere on tide water, transfer over to any other ships or vessels such persons, intending to make them slaves, or shall land or deliver such persons with the same intent, or having already sold them, that such persons shall be adjudged pirates, and on conviction shall suffer death. It was necessary to be minute in the recital of this Act, or you could not have had a correct idea of it.

Such, gentlemen, has been the legislation of Congress to prohibit and to punish the introduction of slaves into the United States from abroad by our own citizens or by foreigners.

It will be found in the history which I will give of that legislation, that it is the result of an early and continued disapproval by the people of the United States, both North and South, of the African slave trade. In all of which, from the very beginning of our nationality, the distinguished men of both sections took an active part, none of them more decisively than Southern statesmen, in every Act that has been passed, including the last. There has never been any manifestation of popular or sectional discontent against them on account of their opinion concerning the African slave trade, or their legislation to repress it. The Acts for that purpose have never been complained of but by those who had subjected themselves to their penalties, or who feared that they might be so, or by a few gentlemen, the sincerity of whose convictions cannot be doubted, but who have not as yet in their speeches or publications commanded much attention from their knowledge of the history of our legislation, or for their expositions of Constitutional laws upon the subject. No serious attempt has been made to repeal any one of those Acts, and no one in a condition to do so, has been found to propose it with an earnest and zealous effort to accomplish that. They have been acquiesced in, and had a popular approval, from the first Act that was passed to the last, inclusive. The judicial infliction of the penalties of those Acts, which has been frequently done, has always been considered the legal and just consequences of the Constitutional provision which gives to Congress the power to prohibit the importation of slaves into the United States after the year 1807.

The Acts of 1818, 1819 and 1820, severe as they may seem to be, particularly the last, had the active and marked support of the most distinguished Representatives in Congress from the State of South Carolina, and that of the ablest Representatives of every other State in the Union. There was but one opinion in the Senate and House of Representatives, that the treaty engagements of the United States with Great Britain, the times and the circumstances of it, called for such Acts in favor of humanity. They were necessary to vindicate

our national sincerity from almost an imputation of connivance at the violations on our coast of our Acts for the suppression of the slave trade.

What those circumstances were will be shown by the narrative I shall now give you. At no time has modern commerce been assailed by more extensive or more brutal piracies and murders, than it was in the year 1815, and for three years afterward.

The general pacification in Europe in 1814, and that of the United States with Great Britain, threw out of employment numbers of men who had been accustomed to the violences of war, and to the hazards and gains of privateering.

They were unfitted for any quiet, social condition, were without daily occurring or expected causes of excitement, and had not those virtues suited to the pursuits of peace. Their vessels had been built, and equipped, and manned for pursuit and for flight, and were unfit for the carrying trade of commerce. Many of them were soon employed in a forced trade, and in smuggling on every shore of the Atlantic. The transition to piracy soon followed. I believe (for I speak from the history of that day and from public documents,) that there was no nation in Europe, some of whose vessels were not so used, and many of those of the United States were navigated by our citizens and by foreigners for the same purpose. In the latter part of the year 1816, and during the following year, vessels of that class were on the coasts of this Continent from Cape Horn to the Gulf of Florida. At first they were pirates without combinations, but afterwards became associated and had places of depot for the sale and division of their spoil. Those places were on the uninhabited Atlantic coast of America, and those localities are now known. At length an adventurer, daring and knowing, conceived the idea and executed it, to make the Island of Fernandina their rendezvous. He seized it, declaring it to be no longer a dependence of Spain,

and organized a government there, in conjunction with citizens of the United States, who were men of broken fortunes at home.

They claimed for themselves the privileges of nationality, invited an accession of numbers from every part of the world, recruited them as soldiers, and employed them on board of cruisers which had commissions of their own, with simulated documentary papers of the United States and of the nations of Europe. Spain could not dislodge them. Our negotiations were then going on for the purchase of Florida. In a short time the little Island, (now probably to become a city of note) was filled with the stolen products of commerce. The plan was to smuggle them into the adjoining districts of the United States, overland by the way of Florida, and from points on the St. Mary's river into the interior. Our citizens from the north and south did not resist the temptation; men from the utmost east of the United States and the nearer south to the locality were there for unlawful purposes, just as they had been a few years before, during the war of the United States and England, to smuggle our cotton into Fernandina on English account, and in return, to smuggle into the United States the fabrics of her manufactures. In a short time this assumed government opened the Island as a depot for slaves from Africa. Two cargoes of them arrived there in the year 1818, in such a condition of misery from long confinement, starvation and scourging, that the representation of it caused all over the United States a deep and indignant sympathy. Those, and there were but a few of them, who survived, were bought by a citizen of the State of Pennsylvania, and by a resident merchant of Savannah, and were successfully introduced into the United States.

A third cargo arrived under like circumstances and with the same results. It was known that others would follow, and with a proper regard for humanity, and the political interest of the nation, Mr. Monroe, then President, determined to take possession of the Island. It was done by a military

force. The late Gen. Bankhead commanded the expedition. Aury's government and force, after a show of resistance, surrendered. Himself and his officers fled, and thus an end was put to their combination for smuggling and piracy. It must not be supposed, however, that a gush of sympathy from such a cause led to the enactment of the Act of 1820. It had a deeper and wider foundation, as you will presently see, in the long standing conviction of the American people, that the African Slave Trade was wrong in itself.

HISTORY OF THE LEGISLATION

Your attention will now be called to the history of the legislation of Congress to prohibit the African Slave Trade, with especial reference to the religious, moral and political considerations on which it rests, and to the constitutionality of the Act of 1820, making that trade *piracy*, punishable with death.

The colonial history of the States, in my judicial circuit, North and South Carolina and Georgia, exhibits the existence of a profound impression among the people, that the slave trade was not a legitimate commerce, but that it involved the perpetration of enormous crimes. The same feeling, belief, and opinion, had been frequently expressed in Virginia, and Maryland manifested the same sentiments and a disposition to abolish it; all of them suggested measures for its discouragement.

This sentiment, common indeed to all the colonists, was expressed by the first Constitutional Congress, of 1774, in its adoption, unanimously, by all the colonies, of the non-importation, non-consumption, and non-exportation agreement, and with more emphasis by the Congress of 1776. That Congress resolved that the importation of African slaves should be abandoned, and for a time there was no State in which the trade was tolerated.

The provisions of the Federal Constitution were settled with much deliberation and care. They were reported by a com-

mittee formed by a member from each State, and their report, with amendments, was adopted as the complete and final adjustment of our constitutional arrangement of that subject.

This adjustment contemplated that either of the States "then existing," should retain the power to admit slaves until the year eighteen hundred and eight, and that after the year eighteen hundred and seven, Congress should have plenary authority to regulate or prohibit it. Mr. Madison expressed the sense of the Federal Convention when he said, in the Virginia Convention, "it appeared to him that the General Government would not intermeddle with that property for twenty years, but to lay a tax on every slave imported, not exceeding ten dollars, and that, after the expiration of that period, they might prohibit the traffic altogether."

But the reservation of the power to "the United States" to admit Africans to be held as slaves, was opposed with much earnestness in the Federal Convention that passed it, and was regarded as a serious objection in many of the conventions assembled in the different States to ratify the Constitution.

The limitation of the power of the United States, to legislate upon the subject, did not extend to the trade with foreign nations, or to the territories.

In the years 1794 and 1800, during the administration of Gen. Washington and Mr. Adams, American ships and American seamen were prohibited from engaging in or carrying on the slave trade among foreign nations, under heavy penalties. In 1798 and 1804, the trade was prohibited in the Mississippi and Louisiana territories, comprising then all the slave-holding territories of the United States.

In the year 1806, President Jefferson congratulated Congress upon the approach of that period when its power became plenary, and invited it to pass suitable laws for the final suppression of the trade. The prohibitory sections of the Act of 1807 were adopted, with unusual harmony of sentiment by Congress, and was the result of Mr. Jefferson's recommenda-

tions. It was said in the debate that took place upon that bill, that the sentiment was general for the abolition of the slave trade, and that the only enquiry was, how it could be most effectively done.

In the treaty of peace concluded at Ghent between the United States and Great Britain, the trade was pronounced to be "irreconcileable with humanity and justice," and the contracting parties engaged to use their best endeavors for its abolition.

In 1818, 1819 and 1820, the laws of the United States upon the subject were revised, and additional severity given to the enactments.

Thus, it is seen, that during the administration of the first five Presidents, all of whom were concerned in settling the foundation of the Government, a series of laws, resting upon a common principle, and having a common end, have been adopted by the united and concurring views of the States and the people, for the suppression of the African slave trade.

The power of Congress to suppress the slave trade, by passing all laws necessary and proper for that purpose, is not questioned by any one at all conversant with the Constitution and constitutional history of the United States.

As a matter of commerce, the power of Congress to regulate the foreign slave trade is plenary and conclusive. As it affects navigation and the police of the ocean and seas, the power given to define and punish piracies and felonies on the high seas is without limitation. And in so far as it affects intercourse with the inhabitants of another continent, and the relations which shall exist between our citizens and those inhabitants, the power of Congress to determine upon that intercourse, and to control the citizens of the United States in regard to it, is absolute and unconditional.

The Acts of Congress relating to the slave trade, divide the offenders into three classes, and apportion various degrees of punishment among them. I shall speak of but one of

them. The class treated as the most criminal, and upon whom the denunciation of punishment falls most severely, comprises the crew or ship's company of the vessel, who are immediately employed in carrying on the trade.

The Act of Congress of May, 1820, describes this class as the crew or ship's company of any American vessel or the citizens of the United States employed in any foreign vessel, engaged in the slave trade. The Supreme Court of the United States have said in reference to a similar enactment: "As to our own citizens, there is no reason why they should be exempted from the operation of the law of the country, even though in foreign service. Their subjection to those laws follows them everywhere."

The crimes described in this act have been already mentioned in almost the language of it, but in this connection the repetition, with greater brevity, will be allowable.

Those crimes may be committed by landing from any such vessel, and on any foreign shore seizing a negro or mulatto, not a slave under any State or territorial law of the United States, with intent to make of him a slave; or by forcibly or fraudulently decoying or abducting such a person to such a ship or vessel, or forcibly confining or detaining him on board with such an intent; or selling or attempting to sell him as a slave on the high seas; or landing him from the vessel, with such intent. The person transgressing, in either of the particulars mentioned, is to be adjudged a pirate, and the penalty is death.

The crime of kidnapping the inhabitant of another country by a citizen of the United States, or by the employment of an American vessel, is as plainly within the power of Congress as to define and punish and dominate it piracy, as it would be for Congress to punish for piracy the crew of any vessel who might land upon the shore of the United States with intent to kidnap, or who should kidnap the citizens of the United States, or the negro slaves on plantations situated on the coast of the United States. In either case it belongs to Congress to affix the punishment for the offence, upon its

own convictions of its enormity and its mischievous tendency. The denomination applied to the offender is of no importance to the character of the act, though, without designation otherwise, it may be as to the punishment of the offence.

But there can be no difficulty in vindicating the classification of the offence described in the act as *piracy*.

The Acts of 1794, 1800, 1807 and 1818, abolished the slave trade, and prohibited the employment of American seamen and vessels, either in the foreign slave trade, or in the importation of slaves to the United States. The American citizen was not allowed to acquire any title to the subject of such traffic, from any person concerned in it. *The rights of the inhabitants of Africa to their liberty, were required to be inviolable by the inhabitants of the United States.* To this limited extent they were placed upon the same conditions as the inhabitants of any other country.

From a remote antiquity, the seizure and abduction of men and women, with the intent to dispose of them as slaves, by the crew or ship's company, of vessels roaming at large for the purpose of plunder and traffic, have been deemed and always called acts of *piracy*. It was a capital offence by the Jewish law, and to steal a human being, man, woman or child, or to seize and forcibly carry away any person whatever from his own country into another, has always been considered to be *piracy* and is now so considered by all nations enjoying Jewish and Christian instruction, punishable with death.

The exclusion of the inhabitants of Africa from such protection, so far as the nations of Europe are concerned, commenced in the early part of the 14th century; the Portuguese having then begun the traffic in slaves from the western shores of that continent. But they placed their rights to do so, and their excuse for it, upon the Roman law of "*Jure gentium, servi nostri sunt, qui ab hostibus capiuntur.*"

Nor was it ever recognized in Europe to be an allowable trade upon any other principle, until the Emperor Charles V. authorized in 1571 the introduction of Africans into the

Island of St. Domingo, from the establishments of the Portuguese on the coast of Guinea, to work the mines in that Island. It was subsequently sanctioned by the nations of Europe for the same purpose and for agricultural labor, and for the last, it was introduced by all of them into their respective colonial possessions in America. But now the sanction of all of them for such a trade having been withdrawn, and all of them having declared it to be piracy, the natural rights of the inhabitants of Africa are secured against the violation of them by their respective citizens and subjects, as to the transportation of them to any port of the world, with intent to make them slaves.

A classical writer upon the manners of the ancient Greeks informs us: "The supply by war of slaves there, seldom equalled the demand; in consequence a race of *kidnappers* sprung up, partly merchants and partly *pirates*, who roamed about the shores of the Mediterranean," as such miscreants do now about the slave coasts, picking up solitary and unprotected individuals. Greek and Roman authorities tell us that when the Cilician pirates had the possession of the Mediterranean, as many as ten thousand slaves were said to have been imported and sold in one day.

Lord Stowell describes a pirate "as one who renounces every country, and ravages every country on its coasts, and vessels indiscriminately." And it is quite clear, politically and judicially, that a *pirate* is one who, without a commission from any public and recognized authority, shall ravage the coasts, or vessels of any country indiscriminately. Mr. Jefferson, in his draft of the Declaration of Independence, denounces the African slave trade "as a piratical warfare, the opprobrium of infidel nations."

The motives and considerations which induced Congress, with scarcely a division, to enact the law of May, 1820, are fully explained in the Report of the Committee of the House of Representatives, which recommended the passage of the bill. "Congress," say the Committee, "have heretofore marked, with decided reprobation, the authors and abettors of this iniquitous

commerce in every form which it assumes, from the inception of its unrighteous purposes in America, through all the subsequent steps of its progress to its final consummation—the outward voyage, the cruel seizure and forcible abduction of the unfortunate African from his native home, and the fraudulent transfer and sale of the person so acquired. It may, however, be questioned, if a proper discrimination of their relative guilt has entered into the measure of punishment annexed to their criminal acts. Your Committee cannot perceive wherein the offence of kidnapping an unoffending inhabitant of a foreign country, in chaining him down for a series of days, weeks, and months, amidst the dying and the dead, to the pestilential hold of a slave ship, of consigning him, if he chance to live out the voyage, to perpetual slavery in a remote and unknown land, differs in malignity from piracy, and why a milder punishment should follow the one than the other crime? Are there not united in this offence all that is most iniquitous in theft, most daring in robbery, and cruel in murder? If the internal wars of Africa, and their desolating effect, may be imputed to the slave trade, and that the greater part of them must cannot now be questioned, his crime, considered in its remote as well as its proximate consequences, is the very darkest in the whole catalogue of human iniquities, and its authors should be regarded as *hostes humani generis.*"

In the year 1823, the House of Representatives of Congress adopted a resolution to request the President to prosecute, from time to time, negotiations with the several maritime powers of Europe and of America, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy under the laws of nations, by the consent of the civilized world. This resolution was adopted by a vote of 139 yeas to 9 nays, and among those who voted for it were Mr. Buchanan, now our President, Mr. McLane, of Delaware; Mr. Poinsett, Mr. McDuffie, and General Hamilton, of South Carolina; Mr. Reid, of Georgia; Mr. Sergeant, of Pennsylvania; Stephenson, of Virginia; and Williams, of North Carolina.

Charles Fenton Mercer, of Virginia, the mover of the resolution, in the course of his speech in support of the motion, said that technical objections have been urged, and sneers have been indulged against the legal accuracy of the application of the term piracy to the offence. Such criticism has no sound reason to sustain it. The law of nations is in part natural—in part conventional. Its only sanction is to be found in the physical force—its legal authority in the express or local consent of nations. The consent of nations may make piracy of any offence on the high seas. In seeking a denomination for a new crime, it is not necessary to invent a new term. The object of classing the prohibited act under an old title, is to provide for the former a definite and complete remedy. Piracy under the law of nations is alike understood and punished by all nations. And is there no analogy between the African slave trade and the offence of piracy, which would warrant the proposed classification of the former crime under the latter title? It may sometimes, be difficult, amidst conflicting authorities, to say what is not piracy, but it cannot be so to determine what is. It is robbery on the high seas, without a lawful commission from any recognized authority, to take from a vessel, without color of law, a single package of goods. And is it not robbery to seize, not the property of the man, but the man himself, to chain him down, with hundreds of his fellows, in the pestilential hold of a slave ship, in order, if he chance to survive the voyage, to sell him to a foreign master? By a former law, almost coeval with our Constitution, we made murder on the high seas piracy. The seizure of an African by the landing of the crew of a vessel with intent to make him a slave on a foreign land, is *kidnapping*, and its consummation on the high seas is within the power of Congress to "define and punish piracies." Search the etymology of the term piracy, and its application to crimes, and nothing restricts it to injuries to property, or to offences which have their inception and termination on the high seas. The act of violation may begin on the shore, and be continued on the ocean, for the consummation of its intention elsewhere, and Congress may define it to be either a

piracy or a felony, according to its sense of the enormity of the purpose or intention of the persons concerned in it. Congress has defined it to be piracy, and has declared that it shall be punished with death.

The Act of the 15th May, 1820, on this subject, was a consummation of its legislation for the complete abolition of the slave trade. It was not passed under any momentary excitement or impulse, but it was the deliberate and considered act of the Federal Government to carry out a policy that had been disclosed in the first days of our existence as a free and independent people, and which in every stage of its history had been sanctioned by the moral sense of the people. Under the resolution before mentioned, which was so triumphantly passed in the House of Representatives, the Executive Government entered upon negotiations with Great Britain, and in the year 1824, its parliament followed the lead of this country in designating the crime of abducting Africans from their shores to make them slaves, as *piracy*. All the nations of Europe, as well as of America, have followed in the same legislation, and the object of the resolution of 1823 seems to be near its accomplishment.

Upon three occasions since 1824, the subject has been under the consideration of Congress, and, at each time has a determination been fully expressed to maintain the principles that have been incorporated into the legislation of the country.

No part of it has been more explicit in that declaration than the States in my Judicial Circuit. Georgia declared, in her Constitution of 1798, that there should be no future importation of slaves into this State, from Africa or any foreign place, after the first day of October ensuing. South Carolina prohibited negroes and slaves of any color from being brought into the State as early as the 4th of November, 1788. That State's Act of the 21st December, 1792, is to the same purpose, with this addition, that there should be no importation of slaves, or negroes, mulattoes, or Indians, Moors, or mesti-

zoës, bound to service for a term of years. And her repeated legislation from that time to the year 1803, extended and renewed the prohibition of the importation of slaves into that State. And it is a little amusing, too, that the origin of the present African apprentice system, was begun in attempts to violate her laws forbidding the importation of slaves and negroes, under the pretence that they were only bound to service for a term of years. But the artifice was discovered, and the State has the credit of having accommodated her legislation to the fraud, so as to prevent and punish it. When the Constitution was under discussion, the convention of North Carolina had no legislation directly to prohibit the importation of slaves. It only imposed duties upon the introduction of them into that State; but since her ratification of the Constitution, no State in the Union has more faithfully kept the Act of Congress prohibiting the importation of slaves, unless it be the State of South Carolina, for, from what I have judicially witnessed in that State, I can say, notwithstanding there are a few there who are active advocates for the renewal of the slave trade, that the people of the State are not at all likely to recede from their long standing policy in that regard.

In 1826, in the discussion of the Panama Mission, Col. Hayne, a member of the Senate from the State of South Carolina, said: "The United States were the first to set their faces against the slave trade, and the first to repress it among her citizens. We are entitled to the honor of having effectually accomplished this great object; not more by the force of our laws than by the omnipotent power of public opinion. In all measures of this character, every portion of our fellow citizens have cordially co-operated, and even in those States where slavery exists, the people have gone heart and hand with the government in every measure calculated to cut up this nefarious trade by the roots. In the State which I have the honor to represent, any man concerned, directly or indirectly, in this traffic, would be indignantly driven out of society."

Mr. Johnson, a member of the Senate from Louisiana, said: "A general accordance in principle and sentiment, prevails throughout the civilized world in regard to the duty and obligation of the nations to exterminate the slave trade. It is the prevailing feeling of the age. This inhuman traffic which fills the world with misery, ought to be effectually suppressed. It belongs to Christian nations to put an end to this infamous practice, with all the crimes and horrors that follow its commission."

Judge Berrien, of Georgia, said: "For myself, I abhor the slave trade. It is abhorred by my constituents. Even at the time when it was tolerated by our laws, it was not in the Southern portion of this Union that its practical advocates were found."

At a later period in the history of the country, 1843, the United States was called upon to consider the measures for the execution of the Treaty of Ghent with Great Britain, relative to the suppression of the slave trade. These measures will be found in the treaty negotiated at Washington with that power, frequently called the Webster Ashburton Treaty. That treaty was ratified, and is now a part of the law of the land. The eighth article requires, both countries to prepare, equip and maintain in service on the coast of Africa, a sufficient and adequate squadron to enforce separately and respectively, the laws, rights and obligations of each of the two countries for the suppression of the slave trade. The 9th article recites, that, notwithstanding all efforts which may be made on the coast of Africa, for suppressing the slave trade, the facilities for carrying on that trade and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptation so strong for pursuing it, while a market can be found for slaves, that the desired result may be long delayed unless all markets be shut against the purchase of African negroes. The parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and

all powers within whose dominions such markets are allowed to exist; and they will urge upon all such powers the propriety and duty of closing such markets at once and forever.

This treaty was ratified by the Senate by a vote of thirty-nine ayes to nine nays, three of those who voted in the negative representing slave-holding States. One of those was Col. Benton, and one of the grounds of his objection to the treaty was the clause just recited, but he declared the trade itself diabolical and infamous.

The Constitution of the United States, mainly made by slave-holding States, authorized Congress to put an end to the importation of slaves by a given day. Anticipating the limited day by legislation, Congress had the law ready to take effect on the day permitted. On the first day of January, 1808, Mr. Jefferson being President, the importation of slaves became unlawful and criminal. A subsequent Act, following up the idea of Mr. Jefferson in his first draught of the Declaration of Independence, denominated the crime as *piratical*, and delivered up its pursuers to the sword of Justice, as the enemies of the human race. Vessels of war cruising on the coast of Africa, under our act of 1819, have been directed to search our own vessels, to arrest the violators of the law, to bring in the ships for condemnation and the men for punishment. At this time the government is not unmindful of this treaty obligation, for our next squadron for the coast of Africa will consist, I believe, of four steamers and as many sloops-of-war, and four steamships will probably cruise off Cuba, to intercept slavers that may escape the ships on the African coast. Mr. Calhoun voted for the ratification of the treaty, and expressed his clear conviction "that the policy of closing the markets of the world was both right and expedient in every point of view, that we were deeply committed against the traffic, both by legislation and treaty. The influence and the efforts of the civilized world were directed against it, and that too under our lead at the commencement."

Still later, in 1855, the House of Representatives, by a vote nearly unanimous, decided that it was not expedient to repeal the laws for the suppression of the slave trade.

The leading points in the legislative history of the laws under discussion have been referred to, to show upon what solid foundation of authority and consent on the part of the executive and legislative departments of the government, the laws for the suppression of the slave trade rest. No doubt has been entertained by the long succession of Jurists and statesmen who have been concerned in their discussion and enactment, of the constitutional power of Congress to pass them. There is no question of public morality which has been more clearly and solemnly maintained than that on which this legislation reposes. It would be a retrograde movement of more than a century to consent to abate one line of the condemnation of this trade, or to relax any effort for its extirpation. Many of the clauses of these laws have come before the Judiciary department of the United States for interpretation; property has been sentenced to confiscation, and men have been tried and some condemned for the violation of them. Not a question has been decided in the Circuit or in the Supreme Court which in any manner impugns their validity as constitutional enactments.

Having thus given you, gentlemen, the acts, and their legislative history, all of which have hitherto had the support and concurrence of the people of the United States, and by no part of the people more so, than by the people of the slave-holding States; should cases of the kind be submitted to you by the District Attorney, you will no doubt show yourselves true and faithful to the Constitution and laws of our country.

QUERIES AND ANSWERS.

G. L. H.—Has anyone, besides Joel Chandler Harris, written a book containing stories like those of "Uncle Remus," but in a different dialect?

Yes. In the year 1888 a volume was published bearing the title "Negro Myths From the Georgia Coast," by the late Colonel Charles C. Jones, Jr. The stories were told in the dialect peculiar to the negroes on plantations on and near the sea coast.

P. B.—How did the Okefinokee Swamp get its name, and what does it mean?

Benjamin Hawkins, probably the best authority, gave as the spelling of the word O-ke-fin-o-cau, and said this concerning its origin: "The O-ke-fin-o-cau is the source of the St. Mary's and little St. Johns, called by the Indians Sau-wau-na. It is sometimes called E-cun-fin-o-cau, from E-cun-nau, *earth*, and Fin-o-cau, *quivering*. The first is the most common amongst the Creeks. It is from Ooka, a Chactau word for *water*, and Fin-o-cau, *quivering*. This is a very extensive swamp, and much of it is bog; and so much so that a little motion will make the mud and water quiver to a great distance. Hence the name is given."

EDITOR'S NOTES.

Since the publishing of our March number the Library of Georgia Historical Society has received an assortment of good books, as gifts, by exchange, and some by purchase. We are under obligation to Prof. W. MacNeile Dixon, of the University of Glasgow, for a fine lot of publications on the great war. We have not space here for a list of them, or of those received in the way of exchange; but the titles of those in the last mentioned class are as follows:

RECOLLECTIONS OF A REBEL REEFER
By Col. James Morris Morgan

THE DWELLING HOUSES OF CHARLESTON, S. C.
By Alice R. and D. E. Huger-Smith

AUDUBON, THE NATURALIST
By Francis Hobart Herrick (2 vols.)

HISTORIC SILVER OF THE COLONIES, AND ITS MAKERS
By Francis Hill Bigelow

FURNITURE OF THE OLDEN TIMES . By Frances Clary Morse

VISCOUNT MORLEY'S RECOLLECTIONS (2 vols.)

HISTORY OF THE CIVIL WAR By James Ford Rhodes

CREDIT OF THE NATIONS By J. Lawrence Laughlin

THE WINNING OF THE WAR By Roland G. Usher

A STUDENT IN ARMS By Donald Hankey

FOUR YEARS IN GERMANY By James W. Gerard

FACE TO FACE WITH KAISERISM By James W. Gerard

We cheerfully devote an unusually large amount of space in this number of the Quarterly to the very interesting and learned description of the De Renne Library of Georgia His-

tory, at Wormsloe, by its able Librarian, Mr. Leonard L. Mackall. We had long hoped to see in print a proper account of that remarkable and almost priceless collection, prepared by some one well qualified for the task; and we are especially pleased to present it in this periodical, and to have it from the hand of the man who, above all others, is thoroughly fitted for such work. Mr. Mackall's devotion to the Library, and his knowledge of the formation of the collection (in which he has had so large a part), combined with his store of information on books and their authors, have resulted in the writing by him of a most entertaining and instructive article.

In our March number, on page 26, the name of the Provincial Secretary of State for the Southern Department, in the year 1763, was inadvertently given as the Earl of Egmont, instead of *Egremont*.

THE
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QUARTERLY



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SEPTEMBER, 1918

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THREE DOLLARS A YEAR

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THE STORY OF THE CONFEDERATE TREASURE

BY OTIS ASHMORE

In the spring of 1865 the hand of Fate was rapidly drawing to its close the great drama of the War Between the States, and Destiny had already set the stage for the final scenes at Appomattox. On the quiet Sunday morning of April 2, a messenger entered St. Paul's Church in Richmond during divine service and placed a telegram in the hands of a distinguished gentleman seated well up to the front. After reading the message the gentleman, taking up his hat, quietly withdrew from the building, and directed his eager steps towards the executive offices of the Confederacy. This man was President Jefferson Davis, and the fateful message was one from General Robert E. Lee, notifying him that Richmond was no longer tenable, and that it must soon fall into the hands of the enemy. Mr. Davis hurriedly assembled the heads of departments and bureaus at his office and gave directions for the removal of the executive papers, the money in the Confederate treasury, and all his official and private family to a place of safety. He hoped that Lee could unite with Johnston and yet be able to breast the storm. Failing in this, he still indulged the forlorn hope of cutting through with a remnant of his shattered troops, and, joining those beyond the Mississippi, of re-establishing a government which he had so bravely defended for four long years. The first of these the overwhelming forces of Grant prevented, and the second was a dream as baseless as the fabric of a vision.

It is not the purpose of this article to trace in detail the dramatic events which followed thick and fast upon the collapse of the Confederacy, but to present the facts connected with the final disposition of the Confederate and private funds taken away from Richmond at the time of its evacuation by Mr. Davis.

Strange to say, these facts are not easily available, and the historians have hitherto not woven the detached and obscure material into a connected story.

It is well known that a large amount of gold, silver, bonds, etc., followed Mr. Davis on his journey southward, and for many years after the War, stories were persistent that Mr. Davis himself appropriated much of these funds to his own private use. As late as 1881 so distinguished a man as General Joseph E. Johnston in an interview in the Philadelphia Press strongly intimated that much of this treasure had been misappropriated by the Confederate officials, and cast grave reflections upon the integrity of President Davis himself. These reflections have been completely and satisfactorily answered in the *Memoir of Jefferson Davis* by his wife, and no fair minded man in the clear light of the convincing facts can accuse Mr. Davis of misappropriating a single dollar of public funds. Writers and thinkers may differ concerning the wisdom of Mr. Davis' political theories and policies, but of his honor, his courage, and his purity of character there can not be the slightest question.

But what became of this treasure? What was its value? What was its final fate? While the exact amount of the funds removed is not well known, a very close approximation may be ascertained from certain statements made in 1881 and 1882, when the interview with General Joseph E. Johnston appeared in the Philadelphia Press. Fortunately these statements were made by officials best qualified to know the facts in the case, and while they differ slightly in some of the details, it is clear that the Confederate funds were guarded and handled with great fidelity, so far as the Confederate officials were concerned, and that the greater part was used to pay off the Con-

federate soldiers to enable them to reach their homes without suffering. The remaining part was captured by the Federal soldiers.

It is necessary to bear in mind that there were two separate and distinct funds which were brought away from Richmond under the same guard and on the same train. One was the public fund of the Confederate Government, and the other the private property of certain Virginia banks whose officers decided to seek safety and protection for their funds under the same military escort provided for the Confederate funds. Both of these funds as we shall see were transported southward by rail and wagon trains to Danville, Va., Greensboro, N. C., Charlotte, N. C., Chester, Newberry, and Abbeville, S. C., and finally to Washington, Ga., where the last meeting of the Confederate cabinet was held, and where most of the Confederate treasure was disbursed.

Let us follow first the history of the Confederate funds.

From the *Recollections of a Naval Officer*, by Captain William H. Parker (1883), from a letter by General John F. Wheless published in the *Southern Historical Society Papers*, Vol. X, pp. 137-141 (1882), and from various other sources, the following condensed statement of the movements of the treasure is made. Captain Parker was the commander of the naval training ship *Patrick Henry*, then stationed near Richmond, and General Wheless was at the time paymaster of this ship. Both were with the treasure train during the entire period of its movements from Richmond.

On April 2, 1865, Captain Parker was ordered by Mr. Mallory, the Secretary of the Navy, to take charge of the treasure train at Richmond with about sixty of the midshipmen under his command, and to guard it on its perilous journey. Ten of the midshipmen were left behind with Lieut. Billups to destroy the *Patrick Henry*. Among this gallant escort were many of the most promising young men of the South, a number of whom have since become distinguished. The train bearing this treasure, whose character and value are given elsewhere, together with the funds of the Virginia

banks, to be treated later, the families of Mr. Davis and of some of the Cabinet members, and the armed escort under Capt. Parker, left Richmond on the night of April 2nd, and arrived at Danville, Va., on the afternoon of April 3rd. President Davis and his cabinet were here. The treasure was not unpacked from the cars at Danville, except to make some payments for the use of the government. The treasure train remained in Danville till about April 6, when it proceeded to Greensboro, N. C., where \$39,000 in silver was, by official order, paid out per capita to the officers, soldiers, and employees of Johnston's army. General Beauregard states that his share of this fund was \$1.15. Thence the treasure was removed to Charlotte, N. C., and was deposited in the mint. This was about April 8. Here the guard was increased to about 150 men. On or about April 11, the treasure was transferred by rail to Chester, S. C. From this point southward the railroads had been destroyed by Sherman's troops, and the treasure was packed into wagons and transferred to Newberry, S. C. At this point the treasure was again transferred from the wagons to the cars and carried to Abbeville, S. C. Here Mrs. Davis and her party were left, and the treasure again being transferred to wagons, was carried to Washington, Ga., deposited in a bank vault, and a strong guard placed over it. The danger of capture by Federal troops was constantly increasing, and after deliberating one day, Captain Parker took the treasure by railroad to Augusta. The treasure was not unpacked from the cars in Augusta, but it was kept under strong guard. The conditions in Augusta proving very dangerous, Captain Parker decided to take the treasure back to Washington and Abbeville and place it in immediate charge of President Davis and his escort, which he knew was moving southward along the line of his own recent journey. The treasure left Augusta for Washington on April 23.

At Washington the treasure was once more packed into wagons and transferred back to Abbeville where it arrived

about April 28, and was stored in a warehouse on the public square. On the way back to Abbeville Captain Parker met Mrs. Davis and her party on the way southward.

About ten o'clock A. M., on May 2, Mr. Davis with his escort rode into Abbeville. He had with him several members of his cabinet, and four skeleton brigades of cavalry, viz: Duke's, Dibrell's, Ferguson's and Vaughan's. Mr. Trenholm, the Confederate Secretary of the Treasury, being left ill near the Catawba river, Mr. Davis appointed Mr. Reagan, the Postmaster General, Acting Secretary of the Treasury, and into his hands Captain Parker by order of Mr. Mallory, the Secretary of the Navy, turned over the treasure which had been so carefully guarded for nearly a month. Upon the order of Mr. Reagan, Captain Parker delivered the treasure to General Basil Duke at the railroad station. By order of Mr. Mallory, and without the knowledge of Mr. Davis, Capt. Parker immediately disbanded his command, and from Abbeville he returned to Virginia.

The treasure was once more loaded upon wagons and carried back to Washington. Before leaving Abbeville, however, Captain Parker sent his paymaster, Mr. Wheless, back to Washington and obtained from the Acting Treasurer \$1,500, which he divided pro rata among his men. At the same time Mr. Wheless obtained \$300 from the treasury for Lieutenant Bradford of the Marines who was under orders for the Trans-Mississippi Department. This was paid to Lieutenant Bradford in Washington.

At Washington the final disbursement by the Confederate officials took place as shown below.

The following is an extract from a letter of Mr. Reagan to President Davis, written several years after the War (see *Memoir of Jefferson Davis*, by his wife):

"I understand from the verbal statement of Mr. Trenholm, on his turning over the business of the Treasury Department to me, that there was in the Confederate Treasury some eighty-five thousand dollars in gold coin and bullion; some thirty-five thousand dollars in silver coin; about thirty-six thousand

dollars in silver bullion, and some six or seven hundred thousand in Confederate Treasury notes; besides some sixteen or eighteen thousand pounds sterling in Liverpool acceptances.

"You will remember that the silver coin and an amount of gold coin about equal to the silver bullion, was paid out to the troops before they or the money reached Washington. There I directed an acting treasurer to turn over to two of our naval officers, whose names I do not now remember, most of the gold coin and bullion; with the understanding between us all, before you left Washington, that as soon as the excitement subsided a little, they were to take this out to Bermuda or Liverpool, and turn it over to our agents, that we might draw against it after we should get across the Mississippi river. I directed him to turn the silver bullion over to Major Moses, as it was too bulky and heavy to be managed by us in our then condition; and I saw Moses putting it in a warehouse in Washington before I left there. I also directed him to burn the Confederate notes in the presence of General Breckinridge and myself. The acceptances on Liverpool were turned over to me, and were taken by the Federal forces with my other papers when we were captured. You were not captured until several days after the disposition of all these funds, as above stated. These constitute, as I remember them, about all the material facts as to the public funds, and as to the money of the Richmond banks."

On May 4, President Davis appointed M. H. Clark, Esqr., of Clarksville, Tenn., Acting Treasurer to succeed Mr. Reagan who had requested the appointment. Mr. Clark, in an interview in the Louisville Courier Journal of January 13, 1882, speaks as follows:

"I will state as briefly as possible my connection with the Confederate Treasure.

"The President from Danville proceeded to Charlotte, N. C. We arrived at Abbeville, S. C., the morning of May 2. At Abbeville, S. C., the Treasury officers reported the train at the depot, having been a part of the time under the escort of Admiral Raphael Semmes's little naval force to protect it from

the Federal cavalry, who were raiding on a parallel line with our route, between us and the mountains. Mr. G. A. Trenholm, the Secretary of the Treasury, having been left quite ill near the Catawba river, the President appointed the Postmaster-General, Honorable John H. Reagan, acting Secretary of the Treasury, who took charge of that Department, and placed the coin under charge of the cavalry to convoy it to Washington, Ga. The party left for Washington that night, and stopped for breakfast a few miles from Washington. At our breakfast halt, when the road was taken, Mr. Benjamin came to me and said 'good-by,' and turned off south from that point. Mr. Mallory left the party at Washington, Ga., going to a friend's in the neighborhood.

"Next morning Colonel William Preston Johnston informed me that Mr. Reagan had applied for me to act as Treasurer, to take charge of the treasury matters, and I was ordered to report to him, and doing so was handed my commission, which is now before me, and reads as follows, viz:

"Washington, Ga., May 4, 1865.

'M. H. Clark, Esq., is hereby appointed Acting Treasurer of the Confederate States, and is authorized to act as such during the absence of the Treasurer.

JEFFERSON DAVIS.'

(This was the last official signature President Davis affixed to any paper).

"Returning to my train to get some necessary articles, President Davis rode up with his party, when what I supposed were farewell words were passed between us, and my train, under charge of its Quartermaster, moved out. The Treasury train arrived shortly after President Davis' party left, and being reported at General Basil W. Duke's camp, about a mile from town. I went there with the proper authority, and he turned the whole of it over to me. Selecting the shade of a large elm tree as the 'Treasury Department,' I commenced my duties as 'Acting Treasurer, C. S.'

"Now for the specie of the Treasury.

"It must be remembered that a month or more before the evacuation of Richmond, Va., for the relief of the people, the Treasury Department had opened its Depositories and had been selling silver coin, the rate being fixed at \$60 for \$1 in coin. While at Danville, Va., the Treasury Department resumed these sales, the rate there being \$70 for \$1.

"About \$40,000 in silver, generally reported (and no doubt correctly) at \$39,000, was left at Greensborough, N. C., as a military chest for the forces there, under charge of the Treasurer, Mr. John C. Hendren; all of the balance was turned into my hands, which amounted in gold and silver coin, gold and silver bullion, to \$288,022.90. Adding the \$39,000 left at Greensborough, N. C., the Treasury contained in coin and bullion, when it left Danville, Va., \$327,022.90.

"If the Treasury at Richmond had contained \$2,500,000 in coin, certainly the brave men of our armies would never have suffered so severely from want of sufficient food and clothing as they did during the winter of 1864-65, for it had been demonstrated that gold could draw food and raiment from without the lines. With the train at Washington, Ga., however, was the specie belonging to the Virginia banks, which some time before had been ordered to be turned over to their officers, who had accompanied it out from Richmond, and had never left it; but the proper officer had not been present to make the transfer. It had never been mixed with the Treasury funds, but kept apart and distinct, and when Acting Secretary Reagan ordered the transfer to be made, no handling of specie or counting was necessary, but merely permission for the cashiers and tellers to take control of their own matters. I knew them all personally, but my impression is that it was about \$230,000. General E. P. Alexander has already given in your columns the after-fate of this fund.

"While at Washington, Ga., communications were received from General John C. Breckinridge, that payments had been promised by him to the cavalry from the train, General Breckinridge's action was ratified, and President Davis gave some other directions before he left. General Breckinridge arrived

in Washington, Ga., an hour or so after President Davis left. My recollection of this statement was that during the night of the 3rd, en route from Abbeville, S. C., to Washington, Ga., he found the cavalry and train at a halt, resting. Stopping, he learned from the officers that the men were dissatisfied at the position of affairs; that they were guarding a train which could not be carried safely much farther; the Federal cavalry were known to be in full force not a great distance off; the destination and disposition of their own force was an uncertain one; their paper money was worthless for their needs; that they might never reach Washington, Ga., with it, etc. A crowd gathered around, when General Breckinridge made them a little speech, appealing to their honor as Confederate soldiers not to violate the trust reposed in them, but to remain Southern soldiers and gentlemen; and that when they reached Washington with the train fair payments should be made.

"The men responded frankly, saying they proposed to violate no trust; they would guard it, but expressed what they considered due to them in the matter; and, as they would be paid some money in Washington, Ga., and no one could tell what would happen before they reached Washington, there was no good reason for delay.

"General Breckinridge replied that, if they wished an instant compliance with his promise, he would redeem it at once, and ordered up the train to the house at which he had stopped, and had the wagons unloaded; the quartermasters being ordered to make out their pay-rolls when a certain amount was counted out and turned over to the proper officers. The wagons were then reloaded, and the route was taken up to Washington, Ga. The boys told me they got about twenty-six dollars a piece; enough, they hoped, to take them through.

"It is this transaction which has produced so many contradictory statements from men and officers, many seeing nothing more, and regarding it as the final disbursing of the Confederate specie. Proper receipts were given and taken at

the time, and I rated it as if disbursed by myself, and covered it into the Treasury accounts by the paper of which below is a copy:

'Confederate States of America.

Washington, Ga., May 4, 1865.

'Honorable J. C. Breckinridge,

Secretary of War:

There is required for payment of troops now on the march through Georgia, the sum of one hundred and eight thousand three hundred and twenty-two dollars and ninety cents (\$108,322.90), to be placed to the credit of Major E. C. White, Quartermaster.

A. R. LAWTON,

Quartermaster-General.

(Indorsed).

'The Secretary of the Treasury will please issue as requested.

'JOHN C. BRECKINRIDGE,

"Secretary of War.

(Indorsed).

'M. H. Clark, Acting Treasurer, will turn over to Major E. C. White the amount named within, preserving the necessary vouchers, warrant hereafter to be drawn when settlement can be regularly made.

'JOHN H. REAGAN,

'Acting Secretary of Treasury.

(Indorsed).

'Washington, Ga., May 4, 1865.

'Received of M. H. Clark, Acting Treasurer, C. S., the sum of one hundred and eight thousand three hundred and twenty-two dollars and ninety cents (\$108,322.90) in specie, the amount called for by within paper.'

"I obtained permission from General Breckinridge and Mr. Reagan to burn a mass of currency and bonds, and burnt millions in their presence.

"Before reaching town I was halted by Major R. J. Moses, to turn over to him the specie which President Davis, before he left, had ordered to be placed at the disposal of the Commissary Department, to feed the paroled soldiers and stragglers passing through, to prevent their burdening a section already stripped of supplies. I turned over to Major Moses the wagons and silver bullion, and all of the escort except about ten men.

"In my statement of the specie assets of the Treasury being \$288,022.90, I counted the payment to Major Moses as being \$40,000.

"My last payment in Washington, Ga., was of eighty-six thousand dollars (\$86,000) in gold coin and gold bullion, to a trusted officer of the navy, taking his receipt for its transmission out of the Confederacy, to be held for the Treasury Department * * *

"Judge Reagan and myself left Washington, Ga.

"I found the party, consisting of the President and staff, and a few others, Captain Given Campbell and twelve of his men, near Sandersville, Ga. There the President heard disturbing reports from Mrs Davis' party, they fearing attempts to steal their horses by stragglers and decided next morning to take his staff and join her party for a few days. As everything on wheels was to be abandoned by him, I remained with my train, the chances of the capture of which were steadily increasing. I inquired as to the funds of the staff, and found that they had only a small amount of paper currency each, except, perhaps, Colonel F. R. Lubbock, A. D. C., who had, I believe, a little specie of his private funds. Colonel William Preston Johnston told me that the President's purse contained paper money only. I represented to them that they would need money for their supplies en route, and to buy boats in Florida, etc., and that I wished to pay over to them funds to be used for those purposes, and they consented. I paid, with the concurrence of Honorable John H. Reagan, the Acting Secretary of the Treasury, \$1,500 in gold each to Colonel John Taylor Wood, A. D. C.; Colonel William Preston Johnston, A. D. C.; Colonel F. R. Lubbock, A. D. C., and Colonel C. E.

Thorburn (a naval purchasing agent who was with the party), taking a receipt from each one; but as they were all of the same verbiage, I merely give one, as follows:

‘Sandersville, Ga., May, 6, 1865.

‘\$1,500. Received of M. H. Clark, Acting Treasurer, C. S., fifteen hundred dollars (\$1,500) in gold coin, the property of the Confederate States, for transmission abroad, of the safe arrival of which due notice to be given the Secretary of the Treasury.’

“I also paid to each \$10 in silver for small uses, from a little executive office fund, which I had obtained in Danville, Va., by converting my paper when the Treasurer was selling silver there. For this I took no receipts, charging it in my office accounts. I also called up Captain Given Campbell and paid him, for himself and men, \$300 in gold, taking the following receipt:

‘Received of M. H. Clark, Acting Treasurer, C. S., three hundred dollars (\$300) in gold, upon requisition of Colonel John Taylor Wood, A. D. C.

‘GIVEN CAMPBELL,
Captain Company B, Second Kentucky
Cavalry. William’s Brigade.’

“I then went to Judge Reagan with a bag containing thirty-five hundred dollars (\$3500) in gold, and asked that he take it in his saddle-bags as an additional fund in case of accidents or separation. He resisted, saying that he was already weighted by some \$2,000 of his own personal funds, which he had brought out from Richmond, Va., in a belt around his person; but after some argument on my part he allowed me to put it in his saddle-bags. The party then were already on horse, and ‘good-by’ was said.

“The President’s party was captured a few days afterwards, and upon their release from prison several of the party told me that everyone was robbed of all they had, except Colonel F. R. Lubbock, who, after stout resistance and great risk, retained his money, upon which the party subsisted during their long imprisonment at Fort Delaware. No gold was

found on President Davis when captured, for he had none. He could only have received it through me, and I paid him none. The Treasury train was never with President Davis' party. They found it at Abbeville, S. C., rode away and left it there, and rode away from Washington, Ga., shortly after its arrival there, while it was being turned over to me. It will have been noted that the receipts quoted are of two classes—payments to troops and clerks for their own services; but to officers of higher rank, like Generals Bragg and Breckinridge, or two members of the President's military family, they were for transmission to a distance, to be afterwards accounted for to the Treasury Department.

"The old Confederates brought nothing out of the war, save honor; for God's sake, and the precious memory of the dead, let us preserve that untarnished, and defend it from slanderous insinuations. To do my part, I have spoken.

"M. H. CLARK,

"Ex-Captain P. A. C. S., and
ex-Acting Treasurer, C. S. A."

The New York Times of January 6, 1882, contains the following letter from Walter Philbrook, Chief Teller of the Confederate States Treasury:

"To the Editor of the New York Times:

"You have published several articles relative to the Confederate specie, and, although no one believes that Mr. Davis had any dishonorable connection therewith, it may be well for public information, and for settling the question finally, that you make the following known through your widely circulated columns. I took charge of the specie at Richmond under the following order:

"Confederate States Treasurer's Office

Richmond, Va., April, 1865.

'Mr. Walter Philbrook, Chief Teller Confederate States
Treasurer.

'Sir:—As you have returned from the South you will relieve Mr. Wise, Assistant Teller, of the charge of the specie, bullion, and other property of this department, and care for it

during its removal, and afterward until relieved by competent authority. You will proceed to Danville, Va., and thence to Charlotte, N. C. At the latter place you will transfer the specie and bullion to the vaults of the Mint. In case of any emergency which may threaten its safety, you will confer with our agent there and take such action as may be deemed prudent. The routine of your office is to be maintained as far as practicable, and the clerks who accompany you are expected to subsist on their salaries. By order of

G. A. TRENHOLM,
Secretary Confederate States Treasury.
JNO. OTT, Chief Clerk.'

"I should state that I returned to Richmond, only a few days before its evacuation, from a tour of inspection. Acting under these instructions, we crossed the James River on the evening of Sunday, April, (This date I cannot give, it was the 2nd or 3rd, I think) and went to Danville. The railroad bridge, commonly called Manchester bridge, was burned soon after our train left. At Danville some of the specie was paid out under informal requisitions, the Secretary, Mr. Trenholm, and Mr. Hendren, the Treasurer, both being absent, I think. These requisitions and those that I subsequently honored were signed or countersigned by Mr. Nutt, who held a high position in the department. From Danville we went to Charlotte, N. C., and deposited the valuables in the Mint. At this place further payments were made, and here we heard that the Federals had cut the road and telegraph at Salisbury, thus closing communication with the President and his party at Danville. And right here I would say that Mr. Davis never saw this treasure from the time it left Richmond until we reached Abbeville, S. C. His wife and children and his household and personal effects were with our train, but he was not. On learning the news from Salisbury, it was decided to move further South, and we left Charlotte with Abbeville as our objective point. Various stops were made on the journey, and payments were made to commissary and other officers in sums varying from \$2,000 to \$40,000, informal vouchers being given of necessity, but all

having sufficient authority to relieve me of responsibility. These payments were made for the subsistence and pay of soldiers, and for forage, and were so used, as the officers disbursing them have already shown, and it speaks well for the morals of a beaten and dispirited army that no raid was ever attempted on this train from our own troops during its long journey, although the contents were well known all along the line, and the amount much exaggerated. Owing to the great weight of silver which we carried it was reported, and generally believed, that we had from \$2,000,000 to \$10,000,000.

"At some point on the road, not remembered now, a wagon train was required, and we pursued our journey by turnpike until we again connected with the railroad, and by it reached Abbeville, being several days in advance of the President and his party. The specie we left loaded on the cars, with a guard of marines and naval Cadets, under Lieut. Parker, of the Navy, strengthened by the Treasury clerks. Our intention was to run back if threatened by the Federal cavalry, who were but a few miles distant at Pendleton. On the arrival of the Presidential party a Cabinet meeting was held and the Hon. John H. Reagan was appointed Acting Secretary of the Treasury. By him I was relieved of my onerous charge, the expressed intention being to go to Washington, Ga., and the Savannah river, and to pay the specie out to soldiers on their way home, without any formality other than to estimate the number that they would be likely to see before the final breaking up of the party and to pay accordingly. Officers and men were to share alike. That this was done with all, except the amount surrendered to or captured by the Federal troops is amply proved by numerous letters which I have seen published. Of the amount realized by the United States Government I have no personal knowledge. It was probably all of the silver bricks and uncoined gold, articles that could not well be paid away. The specie was transferred at Abbeville to a wagon train, late at night, and started under a cavalry guard. Although I have no records of the trip by me, I can say that the amount with which we started was less than \$600,000. The bulk and weight

of it was in Mexican dollars packed in kegs about the size of those used for nails. The gold was chiefly in double eagles, in sacks of \$5,000 each, and packed in regular coin boxes, \$25,000 to a box. In addition to these we had some silver bricks, gold ingots and nuggets, and a lot of copper cents. The silver dollars were mostly if not entirely from the New Orleans banks, and had been in the Treasury since 1861.

"I had belts made at Abbeville, thinking that the Presidential party would separate there, and that they ought to be provided with some means of carrying a little coin in case they should reach a foreign port. Many of your readers will be surprised to learn how little gold a man can carry on his person for a lengthened time. Three thousand dollars (about 15 pounds) will be a heavy load for a vigorous man after two or three days. It seems that the President would not take a dollar for his personal use, and I do not know that any of his immediate party received a share of it. The sole idea of all the high civil officers and the military commanders, so far as I know (and I had good opportunities for learning their sentiments), was to make this money go as far as possible in enabling the soldiers to reach their homes without sufferings, and without causing distress to others. You will remember that it has been a matter of surprise that so many thousands of poor and destitute men reached their homes in Alabama, Mississippi, Arkansas and Texas without general robbery of the helpless inhabitants. It was in part owing to the morale of the men, but in great measure to the judicious disbursement of a fund which a highly honorable man is accused of appropriating.

St. Louis, Mo., Monday, December 26, 1881."

Several other statements have been made concerning the disposition of the Confederate treasure, but as they agree substantially with those given, they are not here repeated. A most interesting and circumstantial account of the movements of the treasure is given in *Recollections of a Naval Officer* by Capt. William H. Parker, who had charge of the military escort provided for the protection of the treasure, and another

similar statement appears in the *Southern Historical Society Papers*, Vol. X., pp. 137-141, written by John F. Wheless, who was the Paymaster of the Confederate States Navy, accompanying the escort under Captain Parker. A very condensed statement of these two accounts has been given above.

Interesting sidelights are also thrown upon the subject by Miss E. F. Andrews in her charming *War Time Journal of a Georgia Girl*, and by Captain Jas. Morris Morgan in *Recollections of a Rebel Reefer*.

Of the statements given, that of Captain Clark is by far the most trustworthy, for the reason that he was the Acting Treasurer at the time, and through his official hands all receipts and disbursements passed. Besides, his statement is based not only upon memory, but upon vouchers and written records of unquestioned reliability. Let us then make a brief analysis of his statement:

ANALYSIS OF STATEMENT OF CAPTAIN M. H. CLARK

Amount of gold and Silver Coin and silver bullion in train when it left Danville -----	\$327,022.90
Paid out to soldiers at Greensboro--	39,000.00
Turned over to Captain Clark---	\$288,022.90
Paid to Maj. White to pay troops (specie) -----	\$108,322.90
Paid to Maj. Moses to feed soldiers (silver bullion) -----	40,000.00
Paid to trusted officers of the navy (gold coin and gold bullion)-----	86,000.00
Paid four men near Sandersville (gold) -----	6,000.00
Paid four men near Sandersville (silver) -----	40.00
Paid Captain Campbell-----	300.00
Paid Mr. Reagan near Sandersville--	3,500.00
Unaccounted for -----	\$ 43,860.00

In the statement of Captain Clark no mention is made of the money necessary to meet the expenses of the trip from Richmond to Washington, Ga., nor of the disbursement of \$1,500 made to Mr. Wheless at Washington to pay off the escort under Captain Parker, nor of the \$300 paid by Mr. Wheless to Lieutenant Bradford noted above. When we consider the food supplies, horses, wagons, and various other transportation necessities, these expenses must have been considerable, for such a train and its escort. It is probable, therefore, that most of the sum unaccounted for in the statement was thus expended. This is strongly indicated in the statement of Mr. Philbrook in the New York Times given above.

Neither does the above statement of Captain Clark include the Liverpool acceptances mentioned by Mr. Reagan, amounting to about sixteen or eighteen thousand pounds sterling. These were captured with Mr. Reagan when he was prisoner. Neither does it include a large amount of worthless Confederate bonds and currency which were burned as stated by Captain Clark.

Taking up the several disbursements mentioned by Captain Clark, we find that the statement that \$39,000 was paid to the soldiers of General Johnston's Army at Greensboro, N. C., is corroborated by General Johnston himself in the interview in the Philadelphia Press on December 18, 1881, and by several other reliable statements.

In an interview with General Beauregard in the New Orleans Picayune he states that his share of this distribution was \$1.15.

Of the \$108,322.90 paid to the troops near the Savannah river, General G. G. Dibrell, who had charge of these troops says: "By direction of Gen. Breckinridge, muster rolls of all troops present were made out. This money for the troops, upward of \$108,000, was turned over to Maj. E. C. White, my division quartermaster (he being the senior quartermaster present), and the amount due each soldier, \$26.25, was paid through the regimental quartermaster on each muster roll.

Each officer and soldier, including infantry and cavalry, as well as Gen. John C. Breckinridge, received just the same amount, \$26.25." See Avery's History of Georgia, p. 325.

The \$40,000 in silver bullion paid to Maj. Moses was for the purpose of feeding the returning Confederate soldiers. \$10,000 of this sum was turned over to the Quartermaster Department in charge of Felix R. Alexander, Assistant Quartermaster under Gen. Alexander R. Lawton, the Confederate Quartermaster General. The remaining \$30,000 was carried to Augusta by Maj. Moses under great difficulties and by him turned over to Gen. Molineux, the Federal officer then in charge at Augusta, upon his promise to feed the returning soldiers and see that the sick in the hospitals were cared for. The bullion was weighed and turned out in excess fully \$5,000. It was turned over by Gen Molineux to one Adams of Massachusetts, then acting provost marshal of Augusta. It is probable that very little if any part of the funds carried to Augusta was ever used to feed Confederate soldiers. See Avery's History of Georgia, pp. 326-327.

Concerning the sums paid to Mr. Reagan, Captain Campbell and the four men near Sandersville, Captain Clark states that all of this was taken by the Federal troops when Mr. Davis and his party were captured, except the \$1,500 paid to Colonel Lubbock. This brave officer after a stout resistance and great risk retained his money, upon which the party subsisted during their long imprisonment at Fort Delaware.

Of the \$86,000 in gold coin and gold bullion paid by Captain Clark to a "trusted officer of the Navy" the writer has as yet but little positive information. This part of the fund was intended by Mr. Davis and his cabinet to be transported out of the country, and to be used ultimately in carrying on the war beyond the Mississippi. It probably fell into the hands of the Federal troops, who were scouring the country in every direction.

Avery in his History of Georgia says: "Just after the departure of General Breckinridge from Washington, with a body of cavalry, a cavalryman rode back in a gallop and threw

a bag of gold coin over the fence around Gen. Toombs' residence, and then rapidly rode away. No explanation was given of this liberal act, no instructions accompanied the money, and there was no clew ever obtained as to the motive or purpose of the soldier. The bag contained \$5,000 in gold currency. Gen. Toombs at the time was in great stress for money, and was borrowing gold for his contemplated flight out of the country, but he swore with a round oath he would not touch a dollar of this money, so strangely and unexpectedly showered upon him. The bag was turned over to Capt. Abrahams, a Federal commissary, for the purchase of flour and other provisions for the returning Confederate soldiers, and Major Moses states that his son aided in this disposition of the fund."

There is no evidence that any of the Confederate funds were misappropriated by any of its officials. The main idea of those in charge of the funds was, first to provide for the Confederate soldiers who were returning through the country, mostly on foot, to their homes, and second to transport what was left to a place of safety where it might still be used to reanimate a hopeless cause.

In the tragic scenes that marked the closing days of the Confederacy, Mr. Davis stands in a clear light. No taint of sordid greed or gain clings to his record. Having exhausted every material resource in the struggle of his country with overwhelming odds, he stood before his captors, as the curtain went down, a brave, heroic figure, but penniless. Well might he have said,

"My robe and my integrity to Heaven
Is all I dare now call my own."

SIDNEY LANIER: AN APPRECIATION

BY J. O. VARNEDOE

It was in the early part of January, 1858, when I, a callow youth of fifteen years, having just matriculated at Oglethorpe University, was met by a student, whose acquaintance I had previously made. He invited me to his dormitory to hear some music. The invitation was gratefully accepted and sincerely appreciated. There I met, for the first time, Sidney Lanier, who was my friend's room-mate. These two then delighted me with the most entrancing music I had ever heard of that kind—Lanier with the flute and LeConte with the guitar.

I was at once impressed with Lanier's personality. Apart from the culture and moral refinement, which his face and manner indicated, there was a quiet dignity strangely unusual in one of his years. This first impression was never dissipated by a more intimate acquaintance. His calmness of demeanor did not amount to austerity. On the contrary, he was always polite and affable, though never seeking promiscuous companionship, nor courting popularity. His hair, parted on one side, was always brushed back behind his ears. His clothes were of good quality, always neat but never ostentatious. He carried himself easily and naturally, with just a suggestion of stoop in his shoulders. His gait was usually brisk. He showed no taste for athletics,—was seldom seen at the gymnasium. Music and books were his dearest companions. He did not confine himself to his text books, but read extensively. The knowledge gained from these sources was reflected in the piquancy of the essays he was required to prepare and read before his class, as well as the addresses he delivered before the student body and the public. "The Philosophy of History" I recall as the subject of his Junior address. He was at that time only sixteen years of age. His effort evinced thought and research far beyond one of his years. He was not conspicuous as a debater, and yet what he attempted was always good and creditable. Among ladies his manner was easy and

faultless; but he was not what the students called a lady's man. While uniformly dignified, he would exhibit at times a jauntiness in singular contrast with his habit.

With companions of his choice he was jolly and bright, enjoying a joke thoroughly and participating in friendly repartee. On one occasion, while engaging in this pastime he was misunderstood by one of the students, to whom he was addressing his remarks, who denounced him as a liar. Lanier immediately struck him, and the student in turn pulled his knife and stabbed him in the left side. Upon investigation by the surgeon, who was summoned, the wound was found to extend only an inch in his body. In about two weeks he was able to resume his studies.

About this time, or shortly thereafter, Lanier united with the Presbyterian Church, of which his parents were members. While not conspicuously active as a church member, he was carefully observant of the vows he had assumed, and his conduct was beyond reproach. Lanier never participated in any of the pranks indulged by some students; nor was he addicted to any of their vices.

Finding he was about to graduate at the age of seventeen, his father removed him from college after his Junior year, and secured for him a position in the postoffice at Macon, where he served as a clerk for one year. He then returned to college, and uniting with the class that was below him when he left, shared at graduation the first honor of his class.

Immediately upon graduation, Lanier was elected by the trustees to the position of tutor, the duties of which he discharged with ability and dignity, until the exercises of the college were suspended by reason of the impending war.

It is worthy of notice that, up to this time, no hint was given of the presence of the poetic fires that must have been smouldering in his soul. Of his devotion to music, his fondness for letters and his diligence along all lines of research, together with his high character and attractive personality, he had furnished ample evidence.

At the age of sixteen, we find him polite without affectation; cultured without ostentation; kind without pretension; poised without undue stiffness; conscious of his splendid gifts, yet modest withal. These were the characteristics of the boy, and they became more pronounced in the development of his wonderful career. He advanced imperially, though not arrogantly, to the first place in his class, and maintained it with royal mien. He extorted the tribute of admiration without kindling the venom of jealousy. Shams he despised. One of the distinguishing characteristics of genius is the presence of ambition. Lanier sought to excel. He was a student. He recognized the fact that wealth of gifts furnishes no royal pathway to knowledge. Conscience also, as well as ambition, impelled him to diligence. While cordial to all, he had few associates; and they were chiefly of those whose musical bias attracted his companionship. Music, rather than intellectual affinity, was the potent influence that determined the choice of his comrades. Learn from this how completely this overmastering passion held him thrall, and forced him, in after life, to forsake all other pursuits, and over the protest of his friends, follow the beckonings of his predilection. What agony he must have endured from the contention of opposing forces—the clamorous pleadings of this passion on the one hand, and the insistent demands of environment, on the other! When he returned from a Federal prison, whither he had been taken as a prisoner of war, broken in health, and stripped of all means of support, the exigency of the moment compelled him to engage in distasteful pursuits. He passed successively from a clerkship to the schoolroom, and thence to a law office; but the atmosphere of these vocations he found not only uncongenial but positively stifling. It is well for America and the world that, at this juncture, he defied all opposition, and chose a vocation in which, by his splendid gifts, he sweetened and gladdened the lives of men. It was given to him to see things that were often hidden from the vision of others. He could detect music in sounds that were not audible to the common ear. Through an alchemy unknown to the less gifted, he could

extract honey from dry bones, and feast himself upon morsels most delicious, of his own creation. The same breeze that brought nectar to his sore lungs, filled his sensitive ear with the music of cat birds, or the song of the lark. The soughing of the pines or the rustling of the marshes fell upon his ear like a mother's lullaby. Nor was he dependent upon Nature's lavish gifts, wherewith to nourish his soul with entrancing delights. His own creative imagination could provide soul feasts, the exhilarating effects of which would often leave his body exhausted by the very thrill of joys, scarcely less than supernal.

Were he on a desert isle, he could feast his vision upon gardens of roses, surmounted upon the grandest mountain. What others passed by unheeded he clothed with attractive robes, and they at once became things of beauty and delight to his poetic vision. He extorted tribute from all objects and all conditions. No, not all—war, strife, hatred—he turned from these with a horror akin to that with which one regards a pest house.

“His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, This was a man.”

There was in him, to use his own words, no “barbaric grab of the senses at whatever there is of sensual good in the world.”

His life was pitched on a plane too lofty to find satisfaction in the gross and grovelling—these he spurns, and voices his conception of life in the beautiful “Song of the Chattahoochee”

“I am fain for to water the plain.
Downward the voices of Duty call.
Downward, to toil and be mixed with the main.”

His religious views, in sympathy with his mental habits, refused to be incrusted in the stereotyped forms of orthodoxy. He invented for them simpler moulds, as when writing to his wife, he makes this statement: “Christ gathered up the ten commandments, and redistilled into the clear liquid of that

wondrous eleventh, Love God utterly and thy neighbor as thyself." Forms were nothing to him but the vehicles of devotion, love and worship.

Here we have a combination of genius and probity—of purity and strong mentality—the subordination of every faculty to the high claims of truth and virtue; and all of his splendid gifts of mind held in leash at their bidding. Beneath the generous soil that produced such a life, there must have been a rich substratum of Christian virtue, which was responsible for the moral and religious bent, evidenced in all of his writings, and made conspicuous in his private life. If he suffered more than others by reason of his sensitive nature, and the wearing disease that so early fastened itself upon him; by the same token, he felt thrills of joy seldom known to mortals. This is one of the compensations generous Nature extends to all of the afflicted sons of earth. His love for his wife was beautiful beyond compare, and in triumphant contrast with the simply tolerant estate, that so often marks that holy relationship. His song—"My Springs"—is no less a tribute to his heart than to the charming eyes of his wife. He reaches the climax in that song in the last two lines, where he says:

"I marvel that God made you mine,
For when He frowns, 'tis then ye shine."

With a body often tortured with pain, and unceasingly depressed by a relentless disease, there was superadded oftentimes the harrying consequences of poverty. Yet, in these despitess, his wife was never forgotten. When separated from his companionship, as was often the case, she was regularly the recipient of messages of tenderest love and encouragement.

As has been suggested, music became to him a passion, and held him enthralled, as a charmer holds his victim. To him music had a language, passionate, pure and sweet, which none could interpret better and which he constantly employed as a vehicle for his thoughts, his aspirations, his hopes, his fears, and his emotions. To ears prosaic that language is unintelligible, but to his it was as luminous and sweet as an

angelic whisper. In fact he did not hesitate to trace its origin to Divinity; as when he writes: "Music means harmony, harmony means love, and love—is God."

It has been suggested that his poetic genius was the offspring of this passion for music that so held his soul in vas-salage. However this may be, certain it is that the interblend-ing of these superb gifts gave a character unique to the ex-ercise of either. The critics have attempted to disparage Lanier, by comparing him with Whittier, Longfellow and others. Such comparisons are not only odious but unjust. Lanier's genius blazed its own way, and compelled him to ignore the technique observed by his predecessors and con-temporaries. It has been claimed for his contemporaries and others, that they were the poets of the people; Lanier was the poet of poets. His genius scorned beaten tracks. Others may follow, but he must choose paths of his own creation. For this reason, Time alone can justly fix his place in the galaxy of poets. Let us not forget that that genius of war—Napoleon—discarded all established rules, and by that token, won his brilliant victories.

It is noticeable that, while carping critics are endeavoring to rob him of his well-earned repute, Time is weaving a chaplet of imperishable renown, wherewith to crown him. His poems have already been adopted as a text book in some of the edu-ca-tional institutions of England. His supremacy as a musician is unchallenged, and his primacy among American poets is being more firmly established, as the years go by. His scintil-lant genius will radiate with increasing sheen adown the cor-ridors of time. Gifted son of Georgia, Poet, Musician, Com-rade; hail and farewell.

"Until the day dawn and the shadows flee away."

ANTIQUITIES OF SOUTHWEST GEORGIA INDIANS

BY H. T. MCINTOSH

Authorities are not agreed as to the number of Indians in North America when white men first set foot on the shores of the western world. Really, there are no authorities, though there have been many speculators willing enough to make estimates. That these estimates show wide variance is not surprising when it is considered that there is practically no historical data available to those who know so little yet long to know much about the strange people who held this land up to the time of the white man's coming.

Southwestern Georgia belonged to the Creeks, though the Seminoles held sway over a strip of country extending well above what is now part of Western Florida. Albany is not far north of the line which separated Creek from Seminole country, and there appears to have been a sort of "no man's land" extending for some distance both above and below the boundary.

But though these people left no written history, though there are no temple ruins or cave walls inscribed by aboriginal hieroglyphists, and even though most of their tribal legends seem to have been lost as completely as the Indians themselves have vanished from this part of the country, it is possible for us to know a good deal about them.

For it is not the whole truth to say that the Indians left no written history of themselves or that white men have not found and read it. The history is here. Its characters are decipherable and understandable, and the messages, many of them strange and some pathetic, are familiar to those who have cared enough for them to seek and find them. It is not history of the kind we get from library shelves, and those who wrote it knew nothing of pencils, pens or paper.

What they wrote was written in stone, and there must have been many thousands of authors. The work of some is far

more polished than that which others left, but that there were many master workmen among them—geniuses whose names are lost but some of whose masterpieces have been preserved—is clearly established.

All the foregoing is a circumlocutory approach to a simple statement that might better suffice in bringing the matter to the attention of a reader not particularly interested in American archaeology—the statement that some of the most remarkable Indian relics this country has produced have been found in Southwestern Georgia. But one who has collected thousands of specimens of the Indian stone-craftman's handiwork has also learned to see in them something more than mere arrow-heads, drills, scrapers, knives, lance-heads, tomahawks, hoes, etc. There is a hint of the individuality of the maker in every artifact, just as the personality of a writer is more or less intimately reflected in every letter he writes.

About twelve years ago the writer began the collection of Indian relics. It was merely a hobby which offered relaxation and opportunity for greater intimacy with the woods and fields. In the beginning there was no suspicion in the collector's mind that he was about to make some most interesting discoveries. No one in Southwestern Georgia had ever taken the trouble to attempt anything more ambitious than schoolboy collections of arrow-heads, and no one seemed to know that thousands of the most beautiful specimens of "art in stone" as his art was developed by the American Indian were to be found in Dougherty and neighboring counties.

The making of the collection has been a most delightful task (yet more pastime than task), but it is of the collection itself that something is to be set forth briefly here.

One remarkable fact on which collectors and archaeologists have commented is the seemingly endless variety of the collection's specimens. Gathered in half dozen counties and four-fifths of it in two of the six, it contains artifacts that duplicate practically all specimens that have been found in all other parts of the country.

Be it understood that these references are to work in flint—to the chipped artifacts and not to ground and polished stone. The collection contains a number of fine specimens of the latter class—celts of many sizes up to seven pounds in weight; grooved axes, mortars and pestles; pipes and calumets of which the largest weighs more than six pounds; ornaments, discoidals, etc. There is also some interesting pottery in the collection, but it is chipped-flint specimens, ranging from triangular points that a silver dime will cover to agricultural implements weighing more than seven pounds, that make the collection unique.

Another thing about these Southwest Georgia specimens which never fails to excite the admiration of collectors is the rare beauty of the materials from which the aboriginal craftsmen fashioned their implements—materials which are found in the lower Flint river valley and nowhere else.

On village sites near Albany, and as a rule not far from the river, there may be found chips and fragments of a dark red flint which the Indian artisans held in high favor. The material was rare, and only along the lower Flint has it been found at all. It is noticeable that specimens made of this material, whether broken or in a perfect state of preservation, show evidence of having been fashioned by expert workmen. It would almost appear to have been a tribal rule that when nodules or small ledges of this flint were found they were to be placed at the disposal of the tribe's master craftsmen. In the collection at Albany there is a group of twenty-two perfect specimens made of this material—three marvelously chipped arrow-heads with bevel edges, a long, narrow knife, two large spear-heads and a triangular lance-head, a scraper, a gouge, a couple of tomahawks, a spade the size of a man's hand and ten arrow and spear-heads of different shapes. Held up to an electric light, these beautiful implements show a clear translucency that never fails to excite wonderment and admiration, for the red is like that of garnets held in the sunlight. The "red group" in this collection is matched in no other.

Less beautiful but quite as interesting as the red specimens are those whose material is white or yellow. The yellow is nearly always translucent, though most of the white flints are opaque. Some of the yellow specimens are of rare beauty, the texture of the material lending itself to the delicate chipping which became a lost art with the advent of the rifle, the steel knife and other metal utensils which the white man introduced to the aborigine.

There are various groups of spear-heads, arrow-heads, drills, etc., in the Albany collection which have been arranged because of their appeal to the human eye's appreciation of rich coloring, for some of the most wonderful flints found in Southwest Georgia are almost startlingly variegated. In one group there is a broad spear-head, beautifully chipped to edges as regular as those of a blade of corn, and in which there is every shade of red and pink from crimson to flesh color. There are veins like pen-lines, rosettes of red in pink and pink in red, and mottlings of dozens of shades that quite beggar description. In the half-dozen "color groups" there are many specimens which combine rich coloring for effects that are rarely beautiful—specimens no less interesting to the geologist than to the archaeologist. Reds, pinks, browns, grays, purples, buffs, creams and even an occasional flash of blue or green make a medley of color found in the flints of no other section of the country.

There was almost nothing—certainly nothing of which he had serious need—which the Indian of Southwest Georgia could not fashion from the native flints. In the group of drills in the Albany collection there are more than fifty specimens, ranging from very small ones finely pointed to others as large as a cigar. Some have handles for convenient holding when making holes in wood or tough animal skins, and many are beautiful specimens of the stone-chipper's art.

In the knife group there are knives of all sorts and sizes. The largest is a ceremonial implement ten and a quarter inches long and more than two inches wide, pronounced by all who

have seen it one of the finest specimens in American collections. There are double-edged knives, knives with handles for hafting, moon-shaped knives and long, pointed knives that would make excellent dirks. Not the least interesting are knives of a type which those who claim to speak "with authority" declare were used in such crude surgery as the Indians practiced. The cutting edges of some of these "surgical instruments" are still exceedingly sharp, but the modern man who examines them is thankful that he lives at a time when and in places where hospitals and the blessings of anaesthesia are available.

The owner of a collection of Indian relics which have been gathered in his own neighborhood is in danger of letting his enthusiasm run away with his better judgment when he is asked to write something concerning his hobby. He is apt to forget that, while most men ride hobby horses, few men care to ride hobbies of the same kind. There are many things about the Albany collection that the owner finds interesting, and this article might be extended through many pages. But it would be at the risk of being tiresome, and what has been told is no doubt quite sufficient.

Certain it is that no Georgian who studies the beautiful artifacts which have been gathered in the Southwestern section of the State can for a moment doubt that the Creeks and Seminoles of the long ago were a wonderful people, and that their appreciation of the beautiful and symmetrical was as highly developed as the rare skill of their tribal artisans.

THE COMMISSIONS OF GEORGIA TO BENJAMIN FRANKLIN TO ACT AS COLONIAL AGENT

The fact that Dr. Benjamin Franklin was appointed to act at the Court of St. James as the agent of four of the American Colonies during the period of uneasiness beginning with the proposal to pass the iniquitous "Stamp Act" and the years immediately following is one not so largely treated of in history as it deserves to be.

When Grenville, in 1764, gave notice of his intention to introduce that measure, Pennsylvania sent Franklin, as her agent, to prevent if possible its passage. The act was passed, as is well known, although he advised that the Colonies submit. He did not, however, cease to use his influence against its rigid enforcement, and that influence contributed to its repeal; but the act was again passed, and then Massachusetts, New Jersey, and Georgia appointed him their agent to act for them in the period between that time and the separation of those Colonies from the mother country.

In a letter to Wm. Franklin, dated London, 2 July, 1768, he said:

"When the late Georgia appointment of me to be their agent is mentioned, as what may detain me, I say, I have yet received no letters from that Assembly, acquainting me what their business may be; that I shall probably hear from them before that packet sails; that, if it is extraordinary and of such a nature as to make my stay another winter necessary, I may possibly stay, because there would not be time for them to choose another; but, if it is common business, I shall leave it with Mr. Jackson and proceed.

"I do not, by the way, know how that appointment came about,* having no acquaintance that I can recollect in that country. It has been mentioned in the papers some time, but

*James Parton, author of a Life of Franklin, suggests that he was recommended by the Rev. George Whitefield.

I have only just received a letter from Governor Wright, informing me that he had that day given his assent to it, and expressing his desire to correspond with me on all occasions, saying the Committee, as soon as they could get their papers ready, would write to me and acquaint me with their business."

Dr. Franklin was, as he said in the foregoing letter, informed of his appointment first by Governor Wright who, at the same time, mentioned that a committee had been appointed to "acquaint him with their business." The action of that committee is now given.

On Tuesday, November 7, 1769, in the Georgia Commons House of Assembly, the Speaker, Noble Wymberley Jones, presented a copy of a letter which, by order of the House, he had written to Dr. Franklin, as Provincial Agent, in these words:

"Savannah, December 24th, 1768.

"To Benjamin Franklin, Esquire.

"Sir:

"By direction of the Commons House of Assembly of the Province of Georgia, I Herewith transmit you their Address to our most gracious Sovereign, which I, on their behalf, desire you will please to have presented as soon after the receipt as possibly may be; the manner of presenting it is left to you, whether in person or otherways.

"I also enclose the resolution of the House authorizing me to transmit the same to you, the House, entirely confiding in your approved zeal for the welfare and the preservation of the rights and liberties of America, make not the least doubt of your concurring with the Agents of the other Colonies in endeavors to obtain a repeal of those Acts of Parliament so grievous to his Majesty's loyal subjects of this Continent and destructive of that harmony which ought to, and they earnestly wish may, subsist between the Mother Country and its Colonies, a restoration of which, we doubt not, you and they will earnestly, warmly and as much as possible promote.

"I am very respectfully,

"Y'r most obed't servant,

"NOBLE WYMBERLEY JONES, "Speaker."

The letter of Speaker Jones was sent probably with the Commission which follows:

AN ORDINANCE,

Appointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain.

Whereas, there are many important affairs necessary to be represented, solicited and transacted in Great Britain which can not be effectually done without having an agent there, AND WHEREAS, the General Assembly of his Province have through Benjaming Franklin, Esquire, a proper person to be appointed for the purposes aforesaid; BE IT THEREFORE ORDAINED, and it is hereby ordained by his Excellency, Jas. Wright, Esquire, Captain General and Governor in Chief of his Majesty's Province of Georgia, by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met and by the authority of the same, that the said Benjamin Franklin be, and he is hereby declared nominated and appointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and he is hereby fully authorized and impowered to follow and pursue all such instructions, as he shall from time to time receive from the General Assembly of this Province or from the Committee hereinafter appointed to correspond with him.

AND BE IT FURTHER ORDAINED that the Honourable James Habersham, Noble Jones, James Edward Powell, Lewis Johnson, and Clement Martin, Esquires, the Honourable Alexander Wylly, Esquire, John Mullryne, John Smith, Noble Wymberley Jones, John Milledge, John Simpson, Archibald Bulloch, William Ewen, and Joseph Gibbons, Esquires, until others shall be appointed or any seven of them, two of which to be of the Council: Provided, nevertheless, that if after being summoned in consequence of an order from any of the Committee by the Clerk or other person appointed by them

for that purpose to meet the Committee, they shall refuse or neglect to attend then any seven of the persons before named, shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin and give him such orders and instructions from time to time as they shall judge to be for the service of this Province * * * AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency the sum of One Hundred Pounds Sterling Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Offices and Boards in negotiating the affairs of this Province. AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one whole year to commence the first day of June next in the year of our Lord one thousand, seven hundred and sixty-eight.

By order of the Commons House of Assembly.

ALEX WYLLY, Speaker.

By order of the upper House of Assembly.

N. JONES.

Council Chamber, 11th April, 1768.

Assented to:

JA: WRIGHT.

The Committee provided for in the Commission, or Ordinance, to correspond with Dr. Franklin, prepared a letter fully informing him what was to be done by him, and leaving no room for doubt as to the business laid out for him to do. That document is now given:

"Savannah in Georgia the 19th May, 1768.

"Sir:

"From the Great opinion the Governor, Council and Assembly have entertained of your integrity and abilities, they have unanimously concurred in appointing you by an Ordinance agent to transact the affairs of this Province in Great Britain, and we have now the pleasure of enclosing you an authentic copy of the said Ordinance by which you will see that we, with some other persons therein named, are appointed a com-

mittee to correspond with and instruct you in such matters as we may have in charge from the General Assembly to recommend to your solicitation as well as any other matters which may occur to us during the recess of the said General Assembly that we may judge to be for the service of the Province.

"About two months ago our Governor received his Majesty's Royal Disallowances and Repeals of two Acts of Assembly which we think of great moment to the welfare of this Province, namely, 'An Act for the better ordering and governing Negroes and other Slaves in this Province, and to prevent the inveigling or carrying away Slaves from their masters or employers. passed the 25th March, 1765.' Also an Act passed the 6th March, 1766, for encouraging settlers to come into the Province and for granting to his Majesty the sum of 1815 lbs. Sterling to be issued in certificates by the Commissioners herein named for the said purpose and also for the rebuilding the Court House in Savannah, in consequence of an Act of the General Assembly passed the 29th February, 1764. The former Act or something similar to it we can not possibly subsist without. You know that our staple commodities, which in general are the same with those of South Carolina, can not be cultivated and produced without a number of hands, and that it has been found from years experience how that while it would add to the Burthen in this Climate and therefore it was absolutely necessary to allow us the free use of slaves, our first law for the better ordering and governing negroes (passed soon after the King's Government took place here) in the year 1765, was framed on the plan of that of South Carolina, and we never heard any objection against it. The before recited Law of 1765, now repealed, was passed on the expiration of the former, and we thought it was framed on more extensive and humane principles than our former law, or that now in force in South Carolina, and, as we are informed, no reasons now given to the Governer for its repeal, we are truly at a loss to guess what was exceptionable in it. This repeal came to the Governor's

hands a few days before the dissolution of the late General Assembly, and as he well knew the difficulties and distresses the want of such a law must involve us in, he very kindly and prudently consented to the passing a temporary law where every clause in the former law that could be supposed exceptionable was left out, by which means it is too contracted and can not answer all the purposes such a law should extend to. We therefore desire you will inform yourself of the objections made to our former law, and acquaint us of them that they may if possible be avoided in framing a new one (for the present law is only to continue in force for one year) which may at the same time meet with the approbation of Government as well as answer our local circumstances.

"We are also equally in the dark in regard to the objections to the last recited law, for encouraging settlers to come into the Province, and unless it may be the issuing certificates to be sunk in a certain time to defray the services thereby intended. The Court House is now very near finished, and is not only an ornament to this town, but a credit to Government and some people have come and more will come into the Province to settle under the Faith and encouragement of this law, tho' repealed, who must not be disappointed; but how that is to be avoided is a question not easily resolved, and surely those are objects that might (with submission) be supposed commendable and consequently to most with countenance notwithstanding any little impropriety in the means of effecting them. Our legal currency in this Province does not exceed seven thousand pounds sterling which is much, very much, too little to answer the present medium of trade and as that daily increases so does our distress in proportion! We are thoroughly convinced that a larger emission of paper currency than may be requisite for the medium of trade must be attended with bad consequences to the Province, but at the same time we will know, and indeed it must be obvious to any one, that as we have very little opportunity of bringing in any bullion that our trade and commerce must stagnate without such a temporary medium as we can establish among ourselves on

substantial and sufficient funds, which, if we are restrained from doing, it's impossible we can think of carrying on any public works, however necessary, or give any encouragement for the further settlement of the Province because both must be done by ready money or certificates that may answer the same purpose, and therefore we request you will inform us what reasons were assigned for the Royal disallowance to this law, which we need not say may be best understood from the report made thereupon by the Board of Trade to his Majesty.

"We are very sensible, the salary allowed you, tho' as much as has been ever given to any agent of this Province and is indeed what we can at present afford, may not be equal to your services, yet we hope you will accept of our agency, and generally promote our interest and appear and solicit against what you may think may be injurious to our trade and future prosperity, of which you will please to advise us that you may receive our instructions thereupon. * * * This Province, if it meets with no illadvised check, we are persuaded must soon become very advantageous to the Mother Country and considerable in itself. We entirely confide in your known prudence and good sense to serve us and are, with great respect,

"Sir,

"Your most obt. Hble. Servants,

"JAMES HABERSHAM,

"NOBLE JONES,

"LOUIS JOHNSON,

"N. W. JONES,

"JOHN MILLEDGE,

"ARCHIBALD BULLOCH,

"WILLIAM EWEN,

"P. S. We need not acquaint you that the Governor transmits to the Board of Trade authenticated copies of all laws and ordinances passed here under the seal of the Province that you may perhaps hear of your being appointed our agent before this may reach you.

Benjamin Franklin, Esquire, Agent for the Province of Georgia. First copy per the Britannia Capt. Deane. Second per * * *

Savannah, the 26th May, 1768.

"Sir:

"The foregoing is duplicate of our letter of the 19th instant, which was forwarded by the Snow Britannia, Captain Deane, and we have now the pleasure of enclosing you another copy of the Ordinance, and remain with Esteem, Sir,

"Your most obedient humble Serv'ts.

"Signers of the copy of the foregoing letter to Mr. Franklin, viz: James Habersham, N. Jones, Archibald Bulloch, John Milledge, William Ewen, Alexander Wylly, Jos. Gibbons, John Mullryne, N. W. Jones."

In presenting to the House of Assembly the copy of the letter to Dr. Franklin, in the month of November, 1769, Speaker Jones also reported the receipt of two letters from the former relating to his appointment and the efforts made by him to carry out his instructions as Georgia's agent, and the House, by resolution ordered those letters entered upon the journal. The first was dated London, April 3, 1769, and began by acknowledging the receipt of the letter of the latter of the 24th December in the year 1768, together with the address of the Commons House of Assembly. It is a long letter, and only a portion of it is here quoted. He stated that "the Agents * * * have done their utmost by separate solicitations to obtain a repeal of the injurious Acts, but hitherto in vain, and we are told it is not to be expected this summer. Hints are indeed given that if everything remains quiet in America possibly they may be repealed next year," etc. The other letter was dated June 7, 1769, and in it, after referring to the former communication, the writer added "since when Parliament has risen without repealing the duties that have been so generally complained of * * * that it was the full intention of his Majesty's servants to propose early in the ensuing session the repeal of the duties on glass, paper and painters' colors." It concluded with these words: "If I can

* * * render any acceptable service to your Province in particular, tho' you should not think proper to continue the appointment, it will be a very great pleasure to me."

The Georgia Gazette of the 13th of April (Thursday), 1768, briefly mentioned the appointment of Benjamin Franklin to that important office in these words:

"During the last session of the General Assembly an Ordinance was passed appointing Benjamin Franklin, Esq., Agent to solicit the affairs of this Province in Great Britain."

Massachusetts, through her Speaker of the House of Representatives, on the 11th of February, 1768, sent a letter to the other Provincial Assemblies of America, seeking their co-operation in opposing the offensive measures adopted by Great Britain in trying to place unbearable burdens upon the people settled in her Colonies on this side of the Atlantic, and when the copy for Georgia reached Savannah, the Legislature had adjourned. However, the Speaker of the Assembly, Mr. Alexander Wally, undertook the work of framing a reply in which he said that "Before the dissolution of the last Assembly the House took under consideration the several late Acts of Parliament for imposing taxes and duties on the American Colonies, and, being sensibly affected thereby, ordered the committee of correspondence to instruct our Provincial Agent, Mr. Benjamin Franklin, to join earnestly with the other Colonies' Agents in soliciting a repeal of those Acts, and in remonstrating against any acts of the like nature for the future. These instructions have been transmitted to Mr. Franklin, and I have no doubt but he will punctually observe them," etc.

The ordinance, or commission, already given made the appointment for only one year, but, at the expiration of that time, it was renewed by the passing of another, as follows:

AN ORDINANCE.

For reappointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain, to commence the first day of June next and to continue for one year.

WHEREAS, the Ordinance appointing Benjamin Franklin, Esquire, Agent for this Province in Great Britain will expire on the first day of June next, Be it therefore ordained AND IT IS HEREBY ORDAINED by his Excellency, James Wright, Esquire, Captain General and Governor in Chief of his Majesty's Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the authority of the same, that the said Benjamin Franklin be and he is hereby declared nominated and reappointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED That the said Benjamin Franklin shall be and he is hereby fully authorized and impowered to follow and pursue all such instructions as he shall from time to time receive from the Committee herein-after appointed to correspond with him.

AND BE IT FURTHER ORDAINED That the Honourable James Habersham, Noble Jones, James Edward Powell, John Graham and James Read, Esquires; John Mullryne, John Milledge, Archibald Bulloch, William Ewen, Charles Odinsells, Philip Box, William Young and Richard Cunningham Crooke, Esquires, until others shall be appointed or any seven of them, two of which to be of the Council, shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin, and give him such orders and instructions from time to time as they shall judge for the service of this Province. And the said Agent is hereby directed and required in all his Provincial correspondence to address his letters to the person first named in this Ordinance and the other members of the said Committee, who shall as soon as may be, order the Clerk or other person appointed to summon the members of the said Committee to meet and take under consideration the matters contained in such letters and in case of the absence from Savannah of the person first in nomination then any other member of the Committee who shall be present shall cause the said Committee to be summoned and

proceed to business as before directed, but no letter to be opened or the seal broken upon pretense whatsoever before such number of the Committee as aforesaid are met; Provided, nevertheless, that if after being summoned as aforesaid any of the persons so summoned shall refuse or neglect to attend then any seven of the Committee before named are hereby impowered to proceed to business as aforesaid.

AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency, the sum of One Hundred Pounds Sterling Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Offices and Boards in negotiating the affairs of this Province.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one whole year to commence the first day of June next in the year of our Lord one thousand, seven hundred and seventy.

By order of the Commons House of Assembly.

N. W. JONES, Speaker.

By order of the upper House of Assembly.

JAMES HABERSHAM, President.

Council Chamber, 10th May, 1770.

Assented to:

JA: WRIGHT.

State.

Concurrent with the reappointment of the Colonial Agent, the Legislature took steps to inform Dr. Franklin fully as to the action taken, and the Legislature hastily adopted the order which follows, and the committee of correspondence prepared the letter of information in addition to the order, as now given:

"Ordered,

"That the Deputy Secretary of the Province do prepare copies of the Ordinance reappointing the Provincial Agent passed the 27th February last, and of that passed yesterday; also the present election law and of the Negro law passed yesterday.

At a meeting of the Committee appointed to correspond with Benjamin Franklin, Esq., Agent for transacting the affairs of this Province in Great Britain, at the State House at Savannah, on Friday the 11th day of May, 1770.

The Honorable

JAMES HABERSHAM,
NOBLE JONES,
JAMES EDWARD POWELL.

The Honorable NOBLE W. JONES, Speaker,
WILLIAM EWEN,
PHILIP BOX,
RICHARD C. CROOKE,

Esqrs. and Present.

The Board appointed John Simpson, Esq., Clerk to the Committee and Mr. Robert Bolton messenger, and then wrote the following letter to be forwarded by the Snow Britannia, Capt. Stephen Deane:

“Savannah, Georgia 11th May, 1770.

“Sir :

“The Britannia, Capt. Deane.

“As we expect a ship is now at Cockspur Road at the entrance of this river bound for England and as we hope to get this on board, we embrace the opportunity of acquainting you that two Ordinances have been passed by the General Assembly, one reappointing you Agent for this Province passed the 27th February last, ending the first June next and another passed yesterday for another year ending the 1st June, 1771. We have not a moment's time (the boat waiting to carry this on board) to say anything on public business of which we have several matters in charge and will be prepared to go by a ship now here that will sail in all this month with copies of the Ordinances properly authenticated. There is 100 lbs. provided for you the present year, and enclosed you have our Governor's Certificate for one hundred pounds for payment of

which you will apply to John Campbell, Esq. (his Majesty's Agent for this Province) for your service from June, 1768 to 1st June, 1769.

"We are, Sir, etc.,

"J. HABERSHAM,

"NOBLE JONES,

"J. E. POWELL,

"N. W. JONES,

"WM. EWEN,

"PHILIP BOX,

"RICHARD C. CROOKE.

"To Benjamin Franklin, Esq., Agent for the Province of Georgia in London."

Finally a third ordinance was passed, making the period of Dr. Franklin's agency last until the year 1773, in the paper which is now given:

AN ORDINANCE.

For reappointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain.

WHEREAS, the Ordinance for reappointing Benjamin Franklin, Esquire, Agent for this Province in Great Britain is expired, We therefore pray your most Sacred Majesty that it may be Ordained, AND BE IT ORDAINED by his Excellency, Sir James Wright, Baronet, Captain General and Governor in Chief in and over his Majesty's Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met and by the authority of the same, that the said Benjamin Franklin be and is hereby declared and reappointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and he is hereby fully authorized and impowered to follow and pursue all such instructions as he

shall from time to time receive from the General Assembly of this Province or from the Committee hereinafter appointed to correspond with him.

AND BE IT FURTHER ORDAINED that the Honourable Noble Jones, Anthony Stokes, James Edward Powell, John Graham, James Read, and Henry Younge, Esquires; the Honourable William Young, Esquire, Noble Wymberley Jones, Joseph Clay, Esquires; Sir Patrick Houstoun, Baronet; Thomas Netherclift, John Simpson, William Le Conte, Thomas Shrunder, David Zubly, Thomas Young, and Thomas Carter, Esquires, until others shall be appointed or any nine of them (two of which shall be of the Council) shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin and give him such orders and instructions from time to time as they shall judge to be for the service to this Province, and the said Agent is hereby directed and required in all his letters to the person first named in this Ordinance and the other members of the said Committee, who shall as soon as may be, order the Clerk or other person appointed to summon the members of the said Committee to meet and take under consideration the matters contained in such letters, and in case of the absence from Savannah of the person first in nomination then any other member of the Committee who shall be present, shall cause the said Committee to be summoned and proceed to business as before directed, but no letter to be opened, nor the seal broken upon any pretence whatsoever before such members of the Committee as aforesaid are met; Provided, nevertheless, that if after being summoned as aforesaid any of the persons so summoned shall refuse or neglect to attend, then any nine of the committee before named and empowered to proceed to business as aforesaid.

AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency the sum of One Hundred and Fifty Pounds Sterling

Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Officers and Boards in negotiating the affairs of this Province.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one year, to commence from the first of November next the year of our Lord one thousand seven hundred and seventy.*

By order of the Commons House of Assembly.

WILLIAM YOUNG, Speaker.

By order of the Upper House of Assembly.

JAMES HABERSHAM, President.

Council Chamber, 29th September, 1773.

Assented to:

JA: WRIGHT.

*1773. Error in original act.

QUERIES AND ANSWERS

Scotchman.—According to the inscription on a stone in the old cemetery (now Colonial Park) in Savannah, General Lachlan McIntosh attained the rank of Major-General. I have not elsewhere seen that distinguished patriot given a higher title than Brigadier-General. Is there any authority for the statement on the mouniment?

The only record of the fact that General Lachlan McIntosh reached a higher grade than that of Brigadier-General that we have discovered is contained in Francis B. Heitman's "Historical Register and Dictionary of the United States Army," in which it is mentioned that on the 30th of September, 1783, McIntosh was made a Brevet Major-General. Heitman is considered the best authority on such matters, and his work just named was, by action of Congress, purchased by the United States, and published as a Government document.

Solicitor.—After the surrender of the charter and the resignation of the Trustees, how was Georgia governed?

The best reply we can give to this question is the following paragraph, from a report made by Sir James Wright, December 20th, 1773, on the condition of the Province of Georgia:

"Since the surrender of the charter by the Trustees the Constitution of this Government is established by and depends upon his Majesty's commission and instructions to his Governor, by which he, with the concurrence of the Council and the House of Assembly (to consist of a certain number to be elected by the free-holders as their Representatives), or the major part of them, is empowered to make laws, statutes and ordinances for the public peace, welfare and good government of the Province and the inhabitants thereof, which laws, etc., are not to be repugnant but as near as may be agreeable to the laws and statutes of Great Britain."

A. P. C.—I have been told that one of the first fortifications erected in Georgia was on land now in Bryan County. Kindly give me some description of it.

Within a year after the coming of the first settlers, Oglethorpe directed the building of a fort on the Ogeechee river, as a part of his system of defenses, and called it Fort Argyle, in honor of John, Duke of Argyle, his friend. It was garrisoned by Captain McPherson with a detachment of Rangers. Shortly afterwards ten families from Savannah settled there and began to cultivate the lands at that point; but in a few years there remained scarcely a trace of the fort, and nothing now is there to show that it ever existed. The Rev. George White, in his "Statistics of the State of Georgia," named it as one of the "remarkable places" in Bryan County, saying that it "stood upon the west bank of the Ogeechee river, built in 1733 as a defense against the Spaniards."

EDITOR'S NOTES.

We gladly publish the article by Mr. Otis Ashmore in this number, giving so interesting an account of the Confederate Treasure. The subject has engaged the attention of many writers, but we doubt whether any one has given the matter more attention than the writer of the article herein printed, and we are sure that our readers will find in it facts both new and of special interest. Mr. Ashmore has not exhausted the subject, and has promised us another paper from the additional material he has on hand; and we hope to present it soon —possibly in the December number.

The subject of Indian relics, such as implements of stone, shells, and bone, is one of general interest, and there are many collectors in our State of those articles; but we know that there is not one who has the matter more at heart than Mr. H. T. McIntosh who gives us a graphic description in this number of a small portion of his fine and choice collection of rare specimens. The paper is of intense interest, and we hope to have more on this subject in the future, trusting that our friend will comply with the desire which we predict will come from our readers for further contributions from his pen.

From our good friend, Major J. O. Varnedoe, of Valdosta, we have one of the most delightful sketches in the form of a tribute to the memory of a Georgia poet that it has ever been our privilege to read. Who can ever fail to be delighted with words appreciative of the genius and character of our beloved Sidney Lanier? This is a sweet morsel of true regard for a man who, though an invalid, could at all times, in spite of his sufferings, joyously describe the things which tend to make the

heart glad and bring the greatest enjoyment of the pleasures of a life he knew he could not long endure. We want to hear again, and soon, from the writer of this sketch.

Having commented on the merits of the matter in this number from three of the members of our much loved Georgia Historical Society, and with gladness that the writers have willingly contributed to our periodical in a way that is so helpful, we close this department now with the request that other members come to the help of the editor with articles for our pages, without special solicitation.

THE
GEORGIA HISTORICAL
QUARTERLY



PUBLISHED BY THE

GEORGIA HISTORICAL SOCIETY

SAVANNAH, GEORGIA

VOL. II No. 4

DECEMBER, 1918

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ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR



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THE STORY OF THE VIRGINIA BANKS FUNDS

A DRAMATIC EPISODE OF THE WAR BETWEEN THE STATES

BY OTIS ASHMORE

About six o'clock on the peaceful afternoon of May 24, 1865, a trim, little, black-eyed man on horseback with soldierly bearing rode up to my father's home near the quiet village of Lincolnton, Ga., and called for my half-brother, who only a few days before had returned ragged, footsore and weary from the fateful field of Appomattox. This trim, wiry little man was Dr. M— of Kentucky, a Confederate soldier, who with many others from the border States was stopping for a time in Georgia, till the dangerous situation at home would permit him to return. His temporary abode was with one of our neighbors only half a mile away, and he and my half-brother had the fellow feeling and comradeship which four long years of common hardship and dangers develop in the hearts of men. My half-brother had followed Longstreet throughout the entire war, and, after walking almost the whole distance from Appomattox to Georgia, had at last found a welcome at his Georgia home. The fortunes of the Southern people had been swept away, and he, like all the rest of the Confederate soldiers, had received scant pay for his services.

The two men retired to the edge of the yard and engaged for some time in a low earnest conversation. After a time my half-brother ordered one of the servants to saddle his horse, and went to his room to change his clothes and buckle on his

pistols. As he passed through the hall going out, my mother, suspecting that something was wrong, stopped him, and entreated him to tell her where he was going. The times were perilous, the negroes had just been freed, men were desperate, the Ku Klux Klan was secretly forming, and human life itself was little valued. Having failed to evade her entreaties, he frankly told her that the Confederate treasure train would encamp that night at a point about ten miles distant, and that it was the purpose of Dr. M—— and himself, together with many other Confederate soldiers, to raid the train, overcome the guard, and take the money. They justified themselves in this contemplated act by the argument that the money, which they believed was the property of the Confederate States government now destroyed, rightfully belonged to the Confederate soldiers, who had not been paid for their services, and that if they did not take it that night, the Federal forces, who were scouring the country in every direction, would capture it in a few hours. Whereupon my mother burst into tears, and begged him not to enter upon so dangerous an undertaking, saying that the treasure would be strongly guarded and defended, and that he would be killed. She told him that he had just returned from a dreadful war of four years, and that she could not think of letting him go upon this perilous raid. He finally yielded to these entreaties, and Dr. M——, much disappointed at this decision, mounted his horse, and, lifting his jaunty Confederate cap to us all, galloped off towards the setting sun. I can see him now as he sped away, a gallant knight to my boyish imagination, never to be seen again. That night the treasure train carrying \$450,000 in specie was captured by the raiders, and the sensation produced next day was like an earthquake. The excitement spread with explosive violence, and soon lurid pictures of escaping raiders, pursuing cavalry, bags of hidden gold and silver, and wholesale arrests flashed upon the scene.

But let us turn for a time from this truly dramatic episode to the circumstances which led up to it, in order that we may see the picture in its clear historic setting.

It has been shown in a previous article how President Jefferson Davis, upon the evacuation of Richmond, ordered the Confederate treasure to be transported southward, and how that treasure was strongly and faithfully guarded throughout its long, and eventful journey to Washington, Ga., where it was finally disbursed or captured. The same fear that compelled the transportation of the public Confederate funds southward induced also the owners of private funds to seek safety for their belongings, for the advancing and unopposed Federal troops were already on the outskirts of the city, and prompt action was necessary.

Among the private property thus jeopardized were the funds of certain Virginia banks, whose officers hurriedly decided to place these funds under the protection of the same military escort provided for the Confederate funds, and to transport them on the same train Southward to a place of safety. This was done. On the evening of April 2, 1865, these banks funds were put on the Confederate treasure train, placed in charge of their own bank officials, and started out upon their long and eventful journey. The details of this journey as far as Washington, Ga., have been given in a previous article, but it remains to trace the history of these banks funds from their origin through a long and devious road to their final fate.

After the Confederate funds had been disbursed and disposed of as already shown, the Virginia banks funds, which had been kept separate, and which had been deposited in a bank vault in Washington, Ga., were turned over to their own officers. These officers loaded the funds upon wagons, and with them they set out on the return trip to Richmond. At nightfall on May 24th the wagon train encamped near the home of Rev. Dionysius Chenault in Lincoln County, about fifteen miles northeast of Washington. It was here that the raid occurred, and the raiders thought that the money taken belonged to the Confederate government. They knew nothing of any Virginia banks funds.

Many of the raiders escaped with their booty, and some hid sacks of gold in the neighboring woods till it could be moved without danger. The officers of the banks went back to Washington and prevailed upon Gen. E. P. Alexander, who had just returned to Washington from Virginia, to go to their assistance. The following extract from an interview with Gen. Alexander in the Louisville Courier Journal in 1881 throws an interesting light upon the episode:

THE MONEY OF THE BANKS.

"The greater portion of the money belonging to the Richmond banks was deposited in an old but very secure vault in Washington, where it remained for several months, when it was called for by a number of accredited representatives from the Richmond banks. They loaded it in wagons and started to Richmond with a very insufficient escort. Just after passing Danburg they were assaulted by a number of stragglers from the Confederate army, who were living off the Country. The bank officers were tied and the treasure secured. Next morning the officers freed themselves and gathered up about \$40,000 which their assailters had dropped in their flight.

"They went back to Danburg and induced a few armed men to assist them in recovering the funds. The men who had robbed the bankers were overtaken, but no more of the money was secured, as the Danburg men thought the bankers, getting \$40,000, ought to be satisfied. The Richmond gentlemen then came to Washington, and urged me to organize a party of trustworthy young men, and see if the whole amount could not be recaptured.

"I soon had quite a company of boys armed with pistols, and accompanied by Judge Reese, who was to issue the warrants, we started off. Reese had been a Judge during the existence of the Confederacy, and the next morning, fearing he might be persecuted for usurpation, he declined to issue the warrants. We came on a party of the guerrillas who had about \$80,000 of the money in charge. They said they did not know it was private property; believing it to belong to the Confederacy they thought they were as much entitled to it as

left our party somewhat depleted. After that, considerable discussion followed, and wearying of it, I ordered four of our prisoners to mount and prepare for a march. By this time quite a number of persons had gathered around, and abused us for arresting former comrades to deliver over to the Yankees. I assured them I did not propose to deliver them to the Yankees, but that I wished to put the rightful owners in possession of their property. When I ordered the prisoners to move, instead, they jumped from their horses, and with arms in their hands, assaulted their assailants.

"I tell you I was in about as close quarters as ever I was in my life. The friends of the guerillas had increased in number, while we had nothing but pistols. For a moment affairs looked dark. A dozen or two loaded guns and pistols were leveled at the heads of each other, and the first shot would have been the signal for a bloody affray. 'Stop boys,' said I to our party, 'we do not wish any bloodshed; these men say they know where the remainder of the money is. If they will agree to deliver it tomorrow we will turn back.' Finally this was agreed to, though I had no expectation that they would keep their promise, but I was anxious to keep what we had secured. We then started back. After we had gone some distance they turned to pursue us, which they did for about five miles; but we finally reached Washington, having recovered about \$120,000 in all, leaving \$250,000 to \$300,000 in possession of the outlaws, who hid it under clumps of trees, under brush, in caves and other such places for the time being, and no more of it was ever obtained from them."

In another interview with General Alexander in the Atlanta Constitution in October, 1883, he says:

"The matter is so well known that it is hardly necessary to do more than state the leading points, which are that the money in the wagon train, which was raided near Danburg, was not Confederate money and never did belong to the Confederate treasure or been under control of the Confederate government or any of its military officers. It was not left in charge of any Confederate officers in Washington, but was

any one else, but promised to take us where the remainder was concealed. This \$80,000 was started back under escort, which deposited in the vault of the old branch bank of the State of Georgia, which was in the house then occupied by Dr. Robertson, who was the cashier of the branch bank, and it remained in his control until two cashiers of the Richmond banks came for it to take it back to Richmond. The train was raided near Danburg, as described in the article by Captain McLendon, and the bank cashiers only succeeded in getting back some seventy thousand dollars. The only connection that I had in the matter was to go up to Danburg, accompanied by Judge Wm. M. Reese and one of the bank cashiers, to arrest the parties concerned in the raid and bring back the \$70,000 that had been collected. I took along five or six ex-Confederate soldiers from Washington as a guard. When we reached Danburg one of the cashiers, who had remained there, advised that we would need a larger force, and we added to the guard some seven or eight citizens of the neighborhood. I arrested five or six raiders. After we had arrested them I sent off all of the guard which I had brought from Washington to arrest another party at a house some distance in our rear, and which we had passed. When we were ready to start back to Washington from Mr. Chenault's house we found that the guard which we had collected about Danburg had been persuaded by friends of the prisoners to leave us, and when I called on them to mount, none of them mounted, and friends of the prisoners, a number of whom had collected, put arms in their hands, and it was plain that we could not carry them off without a fight. Judge Reese, who accompanied us to represent the law, was of the opinion that he could give no legal authority for the use of forces in carrying out the arrest, as the civil authority of all the state officers was suspended. So, after a conference between him and the bank cashiers, it was decided to release the prisoners on their promise to return what money they could collect. The prisoners asserted that they had raided the train under the impression that the money was the Confederate treasure, but being convinced that it was private property, they

were willing to surrender it. During this conference there was for a moment a prospect of a fight between one of the cashiers and the remaining guard who had come with me from Washington on one side and the prisoners and some of their friends on the other. Pistols and guns were leveled, but on my request to the cashiers and guard to wait for orders before doing any shooting, the whole difficulty was averted, and there was none of the disarming spoken of in the narrative of Captain McLendon. Neither was the money, which had been collected, at the house of Mr. Chenault, but with Judge Reese and the bank cashiers, I went back to Danburg, where it had been placed and got it, collecting the rest of the guard on the way.

"From Danburg we carried the money to Washington, and if we were pursued by any party we were never aware of it.

"On getting the money back to Washington it was replaced in the vault of the bank, and there all my connection with it ceased, and I never received personally one dollar of it. Of course the matter was very much talked of all over the country, and the Federal General, Wilde, already notorious for his harsh conduct towards the citizens of Norfolk, came to Washington and took possession of the money and went to Danburg to endeavor to find more. There he was guilty of all the outrages described in Captain McLendon's narrative without exaggeration. Popular report has it that the money is still in the Federal treasury at Washington, and the Richmond banks have never been able to recover it."

Note—These two extracts from interviews given by Gen. E. P. Alexander are copied from his scrapbook by the courtesy of the family. The following note in the handwriting of Gen. Alexander is appended to the interview printed in the Louisville Courier Journal, and it accounts for some discrepancies in them:

"The above is wretchedly misquoted and involved, and in some respects entirely incorrect.—E. P. A."

At the time of this raid it will be remembered that Georgia was under military law. General Wilde, of the Federal Army,

who was in charge of this department, had his headquarters in Washington, Ga. A few days after the raid General Wilde sent a detachment of Federal soldiers to the scene to arrest all suspected parties, and to recover, if possible, more of the treasure. Among those arrested were Rev. Dionysius Chenault and his wife, Mr. John N. Chenault, (brother of Dionysius), his wife, his son, Frank, sixteen years old, his daughter, Miss Mary Ann, seventeen years old, and some of the servants. It was thought that since the wagon treasure train had encamped for the night near the homes of the Chenaults they were parties to the raid, and that they probably had some of the money in their possession.

The military party took Dionysius, John and Frank Chenault out into the woods and put them to the most excruciating torture in order to force a confession from them. The writer knew all of the Chenaults personally. Dionysius was a very large man, weighing about three hundred pounds, and Frank weighed at that time about two hundred pounds. The Chenaults were prominent citizens of high character, and Dionysius (or Nish, as he was called) was a local Methodist preacher. These men had their hands tied behind their backs and swung up by the thumbs until their feet were lifted from the ground. John Chenault fainted and came very near dying. However, these and other tortures failed to force a confession. The facts abundantly showed afterwards that the Chenaults knew nothing of the contents of the wagons, and that they did not participate in any way in the raid. The Chenault family were carried to Washington and submitted to the most humiliating treatment during an investigation, which resulted in their complete vindication and release.

The following statement of Mrs. Mary Ann Shumate, formerly Miss Mary Ann Chenault, was obtained from her in 1903 by Miss E. F. Andrews, of Washington, Ga., and furnished to the writer through the courtesy of her sister, Mrs. T. M. Green, of the same city.

THE TORTURING OF THE CHENAULT FAMILY.

"The following account of the outrages perpetrated upon the Chenault family of Lincoln County by Gen. Wilde, of Massachusetts, in July, 1865, is from the personal narrative of Mrs. Mary Ann Chenault Shumate, one of the sufferers, and the only one now living. I give it as nearly as possible in her own words, as related to me. After being written down, the narrative was again revised by Mrs. Shumate and her younger sister, Mrs. Sallie Chenault Ramsey, who vouch for its correctness by signing their names below. April 15th, 1903.

"Eliza Frances Andrews, Historian,
"Last Cabinet Chapter, U. D. C.
"Washington, Ga."

"The reason why the Yankees treated us so badly was because they thought my father and brother were among the Confederate soldiers that charged the wagon train with the money belonging to the Richmond banks, but Pa didn't know anything at all about it. He was in bed asleep at the time. Some of the men that were in it were staying at our house and wanted to wake him up and get his advice, but the others said they were afraid he would try to stop them, and so they wouldn't wake him. There wasn't any Wilkes County men in it—they were mostly Tennessee and Kentucky men that made the charge, Gen. Vaughn's men were in it, but not the General himself.

"The way they came to be at our house was—you know everybody in those times took in sick and discharged soldiers to house them until the war was over, or they were able to get back to their homes. There were so many Union people in Tennessee and Kentucky that the soldiers from these states couldn't go back home without being arrested. So Pa and Uncle Nish (Mr. Dionysius Chenault) both had their houses full, and most of the neighbors too. We had so many most of the time, that there wasn't room to sleep them in the big house, so we fixed up outhouses and slept them there.

"The men that charged the wagon train didn't know the money belonged to the banks; they thought it was the Confederate treasury, and as they knew the Yankees would take it anyhow, they thought that they, being Confederates, had a better right to it than the people that had come down here to rob us of our property. Gen. Breckinridge had come the night before and camped at Mrs. J. D. Moss's with his cabinet (staff). He had something to do with the Confederate treasury, and had with him a box of jewelry that had been contributed by the women of the South for the building of a gun-boat. They gave their bracelets, necklaces and rings, their jewelry and silverware of all kinds, to help the government, and Gen. Breckinridge brought it from Richmond with the Confederate treasury. I never saw such a splendid collection of silver and jewels as was in that box. When he went off next morning, he left this box with Mrs. Moss to take care of. She kept it for several weeks, until the Yankees heard of it and came and got it, at the same time they imprisoned us. They took all our own silver and jewelry, too, pretending that we got it from this box. The next night when the bank wagon train came along, the soldiers thought it was the rest of the Confederate treasury, and charged the train because they thought they had as good right to it as anybody else, and they didn't want the Yankees to get hold of it.

"When Gen. Wilde and the Yankees came to Washington, they heard about the money being captured, and Angelina, one of our negroes that grand-ma had raised, and that had nursed ma and all grandma's children, ran off to the Yankees and told them that pa had some of that gold and jewelry. He did have a little money, but it was his own that he had saved up through the war, and ma and Aunt Deasy (Ardesia, Mrs. Dionysius Chenault) had watches and some other trinkets of their own, but it was nothing worth looking at along with the fine things in that box. But Angelina had seen our poor little trinkets and went and told the Yankees that Pa had 'stole them, and that he knew all about the charging of the train. So Gen. Wilde, he had oceans of soldiers with him, came out to

arrest pa and Uncle Nish. The first thing they did was to kill the house dog, "Jeff Davis." We children were all standing in the window watching to see what was going on, when the dog ran out and barked at them, they all laughed and shouted, "Kill Jeff Davis, Kill Jeff Davis!" Pa hollered and begged them not to kill the dog, but they shot the poor thing dead, and punched him through with their bayonets. They had learned the name even of the dog before they came out, and they made a great laughing and hoorahing when they shot him because they had killed Jeff Davis.

"They then arrested Pa (Mr. John N. Chenault) and brother (Mr. Frank Chenault) and Uncle Nish, and carried them off to the woods to make them tell where the gold was, and hung them up by their thumbs. They tied their hands behind them and hung them up by the thumbs, with their feet off the ground. Brother Frank was not quite 16, but very big for his age, he weighed 200 pounds, so it was awful on him. Pa was forty years old, and never very strong, he fainted under the suffering so dead away that they got scared and thought they had killed him. He never got over it. Their thumbs were all as black as the chimney, when they came back home, and their hands were so black and swelled up that it was a long time before they could use them. They were swung up three times and kept hanging by the watch, counting the minutes, leaving them up just as long as they could stand it without being killed. They said the pain was so great that after the first time they begged the Yankees to shoot them dead rather than suffer so again. They were kept out in the woods all day and all night and then brought under arrest to Washington.

"They took Tom, Pa's body servant, and hung him up because he wouldn't say Pa had the money. Tom was the son of Angelina, who had caused all the trouble by her lies, but he was as faithful as his mother was mean. Negroes are strange creatures; you can never tell when to trust them and when not. Whenever the Yankees would ask Tom about the money and he said he didn't know, they would holler out, "Hang him up

again," and they kept stringing up the poor darkey because he couldn't tell them what he didn't know, and he wouldn't lie like his mother had done and say that Pa had it.

"None of the neighbors came near us; they were afraid of being treated the same way, and they couldn't have done any good.

"While Gen. Wilde had Pa and the rest of them in the woods, some of the soldiers came to the house and began cursing and abusing Ma and the children. The little ones ran away to the fields and staid hiding out for a day and a night, till the Yankees all left. The youngest, John, was only six months old and his faithful old nurse, Mandy, carried him off to her cabin. Another negro, Mary, took the next younger on her back and carried him over to Mr. Jim Willis's, three miles, wading a creek on the way. Then she made her way to Washington, where Ma had been carried, and waited on her all the time she was kept in prison there. The other children were taken by the negroes to Mr. Jim Barksdale's, who took care of them until the rest of us were set free.

"I was the only one old enough to know what they were about, and before carrying us to Washington, they took Ma and me and Aunt Deasy (Mrs. Dionysius Chenault) and shut us up in a room with Yankees all around to guard it, and forced us to strip off our clothes while Angelina came in and searched us. We cried and tried to cover ourselves, but it was no use to make a fuss, it only made things worse. They didn't find any gold on us but they took the little parcel of gold Pa had in the house, and brought us all to town (Washington, Ga.) and kept me, Ma and Aunt Deasy locked up as prisoners in the jury room at the court house. The court house was full of men that they had arrested about various things. They wouldn't allow us to speak with anybody outside, but our good servant, Mary, who had followed us from home, waited on us faithfully and attended to all our wants. She is living now (1903) in Dalton, and works in a bank as janitress. We had provisions sent us from home, and the peo-

ple of Washington were as good to us as they could be. Every meal they sent us great waiters full of good things to eat, and we never had to taste a mouthful of their old Yankee rations.

"Mr. Reese had always been Pa's lawyer, but he was on the bench then and could not act, so Pa engaged Mr. Sam Barnett and your father, (Judge Garnett Andrews), to defend us, and one of them, I don't remember which, went down to Augusta and got an order from the General there to have us released. Col. Drayton came to see about it, and Gen. Wilde was sent away and Captain Cooley put in his place. Col. Drayton behaved very gentlemanly and sent us back home, just as soon as he could finish investigating the case. He had the box of jewelry Gen. Breckinridge had left brought into the court room and allowed Ma to come and pick out her things from among them. Pa's money was given back to him too, but it took a sight more to pay counsel and other expenses, so after all we were robbed by the Yankee government instead of our robbing anybody. Pa was so particular about keeping his family clear, that months afterwards, when he found that a cousin of ours had got hold of some of that money, and carried it off to the mountains, and hid it away safe, he persuaded him to bring it back to Washington and give it up. A good many others, when they saw how things were going, got uneasy and gave up their share, and so the Yankees got a good deal of it, but there were oceans more of it scattered all over Wilkes and Lincoln counties, besides what was carried off. Some of it was hid about in swamps and woods, some was buried in the ground, and there is no telling how much has been forgotten and not found again.

"It has been so long ago since all these things happened—I was just 17 then—that my memory of them is not very clear. I hate to think about them, too. The recollection was always so unpleasant that I have tried to put it out of my mind as much as possible, and so there are a great many things that I cannot be perfectly sure about, but what I have told you is a true account to the best of my knowledge and recollection.

(Signed)

MARY A. SHUMATE.

"The foregoing paper has been read aloud in our presence and we subscribe our names as witnesses that it is a faithful representation of Mrs. Shumate's statement

(Signed)

MARY A. SHUMATE.

"SALLIE C. RAMSEY."

Great popular indignation was immediately produced by this treatment of the Chenault family, and these cruel and unjust acts served only to intensify sectional feelings and to deepen the shadows of the Reconstruction Period.

As will be seen by the statement of General Alexander a considerable portion of the treasure was recovered, but much of it disappeared with those raiders who were never caught. Dr. M—, the jaunty Kentucky soldier, who galloped so gracefully away from our home the evening before, was in the raid, and we were told that he was last seen riding hurriedly away from the camp with a large bag of gold across the front of his saddle. He was never caught, but he probably made his way finally back to his old Kentucky home, a richer, if not a better man than when he left it.

There were many wild rumors that bags of gold were hidden about in the woods by those of the raiders who could not get away with it at once, and there was considerable truth in these reports. One of the prominent citizens of Lincoln County, who took no part in the raid, found about \$10,000 in gold concealed near the scene and carried it home with him. For some time he said nothing about it, and no one suspected him. General Wilde had offered a reward of ten per cent. of any of the funds that might be returned to him. Whereupon this gentleman took a portion of his find to Washington and claimed the offered reward. He was at once put to torture and made to surrender the whole amount without receiving any reward at all.

For many years after the raid rumors of hidden treasure were revived. One of these twenty or thirty years after came from a statement said to have been made by a dying man in the West, who claimed that he was in the raid, and that he

threw a large bag of gold into a certain part of Fishing Creek. The particulars of his statement seemed so plausible that some parties undertook to pump out this part of the creek, which had in the meantime been cut off from the main stream and partly filled in. No treasure, however, was found.

That part of funds captured by the Federal soldiers and that recovered by General Alexander finally found its way into the United States Treasury in the manner stated above, under the assumption that it was the property of the Confederate Government, and hence subject to confiscation. A claim was made by the Virginia banks upon Congress for a restoration of these funds upon the grounds that they were the private property of the banks, and hence not subject to confiscation. Pending the investigation and settlement of this claim extending over several years, William B. Isaacs and Company of Virginia became the successors in interest of the Virginia banks, and they continued to press the claim before Congress.

The matter was referred to the House Committee on War Claims, in the 49th Congress, 1st Session, (1886), and the following report, which shows the leading facts in the case, was made:

"The Committee on War Claims, to whom was referred a resolution (H. Res. 67) for the relief of William B. Isaacs & Co., beg leave to report that the questions involved in this resolution were, by the action of the House in the Forty-fifth Congress, referred to the Committee on the Judiciary, and a favorable report was made thereon, but no action taken by the House. That in the Forty-sixth Congress like action was taken, and again a favorable report was made thereon. In the Forty-seventh Congress it was referred to the Committee on War Claims, who made a favorable report thereon, but in neither case did the resolution have action by the House.

"The facts in this case have been so often and so fully reported that your committee have adopted in the main the report from the Judiciary Committee of the Forty-fifth Congress, as setting forth accurately the facts involved.

"That it appears from the papers referred with said petition that on the evacuation of Richmond, on the 2nd of April, 1865, the Bank of Virginia and the Farmers' Bank of Virginia withdrew from their said banks about \$450,000 in gold and silver coin and bullion, principally, however, in gold coin, and proceeded with said treasure, under the care of certain officers of said banks, to Washington, in the State of Georgia; that on the 24th day of May, 1865, the said officers of said banks, together with said treasure, set out with a wagon-train from Washington, Ga., for Richmond, having the proper permit and safe-conduct for so doing, issued by General M. B. Patrick, provost-marshal-general; that some time during the night of the 24th of May, 1865, being encamped near the Savannah river, about 18 miles from Washington, Ga., they were attacked by an armed cavalry force and their surrender demanded. They claimed the protection guaranteed them under the safe-conduct or pass of General Patrick, which was disregarded, and, under threat of death, they were obliged to submit to being pillaged. These robbers succeeded in carrying away about \$250,000 in gold and silver coin and bullion of the said \$450,000. The following day that portion of the treasure train left intact proceeded on its way to Richmond, and finally arrived there.

"The next day following the robbery, the bank officers remaining behind recovered about \$110,000 of the treasure of the \$250,000, of which they had been pillaged the previous night, and carried the same to Washington, Ga., and placed it on deposit with the cashier of the Bank of Washington, where it remained under the care and custody of the said officers of said Richmond banks until the latter part of July, 1865, at which time, having procured a pass and safe-conduct from General Steedman, in command of that district, with headquarters at Augusta, Ga., said officers proceeded with said \$110,000 from Washington to Augusta. That about the 1st of August said bank officers arrived in Augusta with said \$110,000 and placed it on deposit in one of the Augusta banks, where it remained under the control and within the possession

of said officers of said Richmond banks until the latter part of August, 1865, General Steedman, in obedience to instructions from the authorities at Washington, D. C., requiring the delivery of said \$110,000 to a United States Treasury agent, who had been sent to Augusta, Ga., took possession thereof and delivered it to said Treasury Agent, who thereupon transported the same to Washington, D. C., and placed it in the United States Treasury. That soon thereafter the officers of said Richmond banks proceeded to Washington, D. C., and presented their petition in writing to the President of the United States and the Secretary of the Treasury, setting forth that said treasure was the private property of said banks, and that they were entitled to have the same returned to them. That after a full investigation of all the facts in connection with the matter, the President of the United States, the Secretary of the Treasury, and the Attorney-General decided that said treasure was the private property of the said banks, and that they were legally entitled to have the same turned over to them; and the necessary directions were given therefor. That, notwithstanding this decision, subsequently a joint resolution was introduced in the House of Representatives, on the 22nd of March, 1867, providing for the covering of said gold and silver coin and bullion into the Treasury of the United States, which said resolution passed the House on the day on which it was introduced, and passed the Senate the following day.

"From that day to the present the owners of said treasure have been endeavoring to secure the return of said treasure to its legal owners.

"That in June, 1871, under and by virtue of decree made by the circuit court of the United States of Richmond, the assets of said banks were sold for the benefit of the creditors of said banks. That among the assets so sold was the claim of said banks for said \$110,000 of gold and silver coin and bullion. That at said sale said William B. Isaacs & Co., became the purchasers, for the benefit of themselves and others

as creditors of said banks. That by virtue of said sale said William B. Isaacs & Co. have become the successors in interest of said banks in and to said treasure.

"The question for determination is, was said treasure, at the time it was so taken possession of by the United States at Augusta, the private property of said banks? If it was, then your committee agree that the said banks or their legal representatives are justly entitled to receive from the United States the value thereof. In the judgment of your committee it is deemed the better course to refer the question of ownership of said treasure for determination to the Court of Claims.

"Your committee have agreed to the accompanying bill, which provides for a reference of this case to the Court of Claims for its investigation.

"Upon the case thus stated there would seem to be little or no doubt that the money so taken should be paid over to the petitioners, Messrs. Isaacs & Co. But there must have been evidently another side to this case, which your committee have no means of investigating.

"The story of the petitioners, as above recited, is supported very fully by ex parte affidavits and some documentary evidence, which, if they state all the facts, would compel the judgment of the committee. Yet your committee do not fail to see that there must have been some other side of this story to have required or induced the action of Congress; some representations must have been made to Congress that should have induced both branches to have taken the very prompt action which they did in this case, and the President of the United States to approve the bill covering this money into the Treasury of the United States. That side of the case has not been presented to your committee, and if it were we have no proper and adequate means of investigating it, or the truth of the very clear *prima facie* case made by the petitioners. If the latter case should be fully sustained, upon thorough and impartial investigation, then it seems clear to your committee that the petitioners would be entitled to relief. This seems, therefore, to be one of that class of claims which should be investigated

by a judicial court, with a view that the rights of both the United States and the petitioners should be ascertained and determined upon evidence taken under all the safe-guards that the law requires in the investigation of rights by the courts.

"Therefore your committee recommend the passage of the joint resolution as amended."

The following petition of the claimants made to the United States Court of Claims, filed on April 4, 1887, in pursuance of the recommendations of the above report throws still further light upon the case:

"To the Honorable the Judges of said court:

"The claimants, William B. Isaacs, William G. Taylor and John C. Williams, partners, under the name and style of William B. Isaacs & Co., who are citizens of the United States and of the State of Virginia, respectfully represent:

I.

"That this petition is filed under and pursuant to an act of Congress approved the day of A. D., 1886, of which the following is a copy, to wit:

JOINT RESOLUTIONS.

"For the relief of William B. Isaacs and Company.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the petitions and claim of William B. Isaacs and Company for certain assets claimed to belong to them as successors in interest of certain banks in Virginia, described therein as having been taken by the Government of the United States in the month of August, eighteen hundred and sixty-five, with the accompanying papers now on file in the House of Representatives, being Miscellaneous Documents number five. Second Session. Forty-fifth Congress, be referred to the Court of Claims for judicial ascertainment of the facts; that wherever papers or affidavits are made or executed by persons deceased not interested in the cause, they shall be considered as evidence by the court, and given such weight as they may deserve; but

wherever the affidavits are of living persons, the evidence shall be taken in the usual way, subject to cross-examination on behalf of the United States; that the court shall fully adjudicate upon the rights of the parties and the ownership of the property described in the petitions, and, as matter of law, to whom it should be paid, and report said findings of fact and law to Congress for consideration. The said petitioners shall not be barred of relief in the said court by reason of any act of limitations.

II.

"That heretofore, to wit, on the 14th day of March, A. D. 1865, the Legislature of the Commonwealth of Virginia duly enacted a statute, of which the following is a copy, to-wit:

"AN ACT authorizing a loan to the Commonwealth of three hundred thousand dollars in gold and silver coin by the several banks, and the application thereof to the use of the army of Northern Virginia. (Passed March 14, 1865).

"1st. Be it enacted by the General Assembly, That the auditor of public accounts, acting under the direction and control of the Governor, be, and he is hereby authorized and empowered to borrow from the several banks of this Commonwealth, in gold and silver coin, a sum of money not exceeding in the aggregate three hundred thousand dollars, and to pledge the faith of the Commonwealth for the repayment of the same in like currency, or its equivalent, by proper certificates of indebtedness to be issued to said banks respectively: Provided, however, That the time or times to be fixed for such repayment shall not be earlier than the termination of the present war, except at the option of the Commonwealth.

"2nd. As said money shall be received from time to time, the said auditor, acting in like manner under the direction and control of the Governor, is hereby authorized to pay over the same, upon the footing of a loan to the Confederate States, either to the Secretary of War or to the general-in-chief of the Confederate army, as the Governor may deem most

expedient, to be used exclusively for the purpose of procuring subsistence for the army of Northern Virginia: Provided, however, That before paying over the same it shall be the duty of the Governor to obtain from the Confederate authorities the best securities they may have in their power to offer consistently with the public interests, by way of hypothecation or otherwise, in order to secure to this Commonwealth the repayment in like currency, or its equivalent, the sums advanced under the provisions of this act.

"3rd. Be it further enacted, That in determining the proportion of coin to the circulation of said banks, as required by existing laws, the loans to the Commonwealth hereby authorized to be made by them shall be deemed and taken in all respects as so much coin in the possession and actually belonging to said banks respectively, so long as said loans shall be continued.

"4th. This act shall be in force from its passage.

III.

"That at the time of the enactment of said last-named act, and at the times of the occurrences and transactions hereinafter specifically set forth, certain banking corporations existed, created under the laws of said Commonwealth, to-wit; 'Farmers' Bank of Virginia,' 'Banks of Virginia,' 'The Bank of Virginia,' 'The Exchange Bank at Norfolk,' 'The Exchange Bank of Richmond' (branch), 'The Bank of Commonwealth,' 'Traders Bank' and 'Bank of Richmond.'

IV.

"That under and pursuant to the said act set forth in the second paragraph of this section, the Governor of said Commonwealth applied to said banks for a loan of money aggregating the sum of three hundred thousand dollars, and the

said several banks loaned to said Commonwealth the sums following, that is to say:

Bank of Virginia-----	\$100,000
Exchange Bank at Norfolk-----	34,000
Exchange Bank, Richmond-----	25,000
Farmers' Bank of Virginia-----	100,000
Bank of Commonwealth-----	21,000
Traders' Bank -----	12,000
Bank of Richmond-----	8,000
	<hr/>
	\$300,000

"And for the repayment of said loans the said Commonwealth issued to said banks, respectively, the evidences of indebtedness in said act provided for.

V.

"That the said Commonwealth was a stockholder in the banks hereinbefore named, to-wit, the said Farmers' Bank, the Bank of Virginia and the Exchange Bank, and said banks were depositories of the Commonwealth in which the said Commonwealth kept on deposit moneys of said Commonwealth; and the moneys so loaned were transferred to the credit of said Commonwealth on the books of said bank, and were never removed therefrom except as hereinafter specifically stated.

VI.

"That it was contemplated, as more fully appears by said act set forth in the second paragraph of this petition, that said Commonwealth should lend said moneys to the Confederacy, and should receive from said Confederacy security for said loans; that in furtherance of the object in view, it was agreed that the loan of said moneys should be made to the said Confederacy by said Commonwealth upon the said Confederacy giving to said Commonwealth as security two million pounds of cotton, at fifteen cents per pound; but your petitioners aver that said security was never given, and said loan was never consummated, except as hereinafter stated.

VII.

"That pending the negotiations with the Confederacy for security, the Auditor of said Commonwealth issued checks in warrant for the aggregate sum of \$159,000—one check or warrant being for \$100,000 on the Bank of Virginia, and the other for \$59,000, on the Exchange Bank. These were drawn in favor of John C. Breckinridge, Confederate Secretary of War. No checks or warrants were issued in favor of said Confederacy other than the two checks above mentioned.

VIII.

"That all of the said moneys remained in said banks, except the following sums that had been drawn by the State for said purposes, to-wit, \$21,000 (twenty-one thousand dollars), until the day of the evacuation of the city of Richmond by the Confederate forces, to-wit, April 2, 1865; that on the said day the said Bank of Virginia gave to John M. Strother, an officer of the Confederacy, a specie check on its branch at Lynchburg for the sum of \$20,000, and paid to said Strother the sum of \$80,000 in coin, and the said Exchange Bank gave to said Strother a specie check on the branch of Lynchburg for the sum of \$34,000, and paid to him the sum of \$25,000 in coin; the said two specie checks were never presented to or paid by said banks, and afterwards were destroyed. On the said 2nd of April the said Strother received from the Farmers' Bank \$112,000 in coin, but without warrant or authority therefor.

IX.

"That the said moneys being in the said banks and in the actual custody thereof, respectively, excepting the sums paid out, as hereinafter set forth, on the said 2nd of April, the moneys in said banks were placed in cars to be transported from the said banks to the South, amounting to over \$200,000, and in the same car were also transported the moneys which had been paid to said Strother, as hereinbefore averred, the said moneys of the banks being kept separate from the moneys that had been paid to said Strother; that afterwards, to-wit,

on the 21st day of April, 1865, the said Strother returned and paid over to the said Bank of Virginia, the said Exchange Bank, and the said Farmers' Bank the sum of \$223,929.90, being the coin received by him as aforesaid and the specie checks aforesaid, to be applied and credited by said banks in part satisfaction of said obligation of said Commonwealth to said banks on account of the loan hereinbefore set forth.

X.

"That the said Strother having turned over to officers of said banks the said sums as aforesaid, there was then in the custody of said officers of said banks the sum of about \$450,000, and of this sum \$170,000 was received from said Strother (the said checks, aggregating \$54,000, having been destroyed) for the purpose of being transported back to said banks.

XI.

"That the said officers of said banks so having the said sum of \$450,000 in their possession, to-wit, in May, 1865, and while the same was being transported to said banks, by private conveyance, from Washington, Georgia, the sum of \$250,000 was taken from them by robbery, of which sum \$145,000 was of the money that had been in the possession of said Strother, but which had been by him paid over and delivered to said banks as aforesaid, and the remaining \$105,000 was taken from the Bank of Virginia; that afterwards, of the said sum \$250,000 so taken by robbery, the sum of 111,000 was restored to the bank officers, and of this \$111,000 the sum of \$9,000 was identified as of the money belonging to said Bank of Virginia, and that had never been in the possession of said Strother.

XII.

"This money so recovered by the bank officers was held by the officers of said banks on deposit for safe-keeping in certain banks in Washington, Georgia, transferred thence to Augusta, Georgia, to which place the same had been removed after recovery, for the purpose aforesaid; and thereupon, on or about the 23d day of August, the defendant herein seized the

same, removed the same to the city of Washington, D. C., and appropriated a part thereof to the payment of sundry expenses, leaving in the possession of the defendant the sum of \$100,000 of the moneys aforesaid, which defendant still holds.

XIII.

"Claimants further aver that the said banks other than the Farmers' Bank of Virginia, for a valuable consideration, released and transferred to the said last-named banks all of their interest in and claim to the said moneys, or any part thereof.

XIV.

"And claimants further aver that heretofore, to-wit, on the 29th day of June, A. D., 1871, under and by virtue of a decree of the Circuit Court of the United States for the District of Virginia, in certain proceedings to subject the assets of the said banks of Virginia to the payment of the indebtedness of said banks, all of the assets of said banks, including the matters hereinbefore specified, were sold at which sale claimants purchased the claim herein set forth, and the same was duly transferred to claimants under the orders of said court, and under like proceedings in said court, decree entered April 13, 1871, the claims of the said Farmers' Bank were, on the 22nd of June, 1871, sold to claimants and the same was, under the order of said court, duly transferred to claimants.

XV.

"Claimants aver that they have never made any assignment or transfer of said claim or any part thereof, and that there are no just offsets or credits against the same, and that the same and every part thereof is wholly unpaid, and they say that there is justly due on account thereof the sum of \$100,000, for which they demand judgment.

WILLIAM G. TAYLOR,
WILLIAM B. ISAACS & CO.

"Shellabarger & Wilson,
Att'ys., Washington, D. C.

"John T. Harris,
Harrisonburg, Va.

"City of Richmond,
"State of Virginia, County of Henrico, SS.

"Before me, R. T. Brooke, a notary public in and for the State and county aforesaid, on this the 2d day of April, A. D. 1887, personally came William G. Taylor, one of the claimants in the foregoing petition, who, being by me first duly sworn, on his oath says that he has read the foregoing petition and knows the contents thereof; that the matters and things therein set forth are true, and that the sum claimed is justly due over and above all set-offs and just grounds of defense.

WILLIAM G. TAYLOR.

"Subscribed and sworn to before me this 2d day of April, A. D., 1887.

(Seal)

"R. T. BROOKE, N. P."

It appeared from this petition that the State of Virginia was a stockholder in some of these banks, was part owner of a large portion of the funds in question, and that these funds had been raised to sustain the Confederate Armies under General Lee.

For six years the case was pending in the United States Court of Claims, and on June 22, 1893, that Court rendered the following decision:

"The Bank of Virginia was the equitable owner of a part of the fund in the Treasury, proportionate to the amount which it contributed thereto; such proportionate part being the

sum of \$16,987.88. The claim therefor and right of property therein passed to and is now owned by the claimants in this suit who are equitably entitled to the same.

"The remainder of the said fund, being the sum of \$78,-276.49 is the property of the United States, the title never having passed to said banks and the claimants not having derived any claim or title in and through said judicial proceedings."

Thus after a lapse of twenty-eight years ended this remarkable case, in which there occurred one of the most dramatic episodes connected with the War between the States.

A NEGLECTED PERIOD OF GEORGIA HISTORY

BY THE EDITOR

Lord Macaulay, in an essay on History, makes this statement: "It ought to record *all* the slightest particulars of the slightest transactions—all the things done and all the words uttered during the time of which it treats. The omission of any circumstance, however insignificant, would be a defect * * * No picture, then, and no history, can present us with the whole truth, but those are the best pictures and the best histories which exhibit such parts of the truth as most nearly produce the effect of the whole." It may not, in spite of the learned writer, be always best to be very particular in the narration of some events, but there are instances in which the writers fail to give all the facts necessary to a full understanding of the matter under consideration. Such is the case in respect to the period in Georgia affairs now to be inquired into.

Two Georgia historians, Hugh McCall and Charles C. Jones, Jr., closed their treatises at a point just a little earlier than the time of which we are to treat, but some account of that period might have been embraced in both, and so have avoided the impression created of an abruptness in the way both works were finished. It is possible, however, that neither of them had the material for an exhaustive treatment of the public affairs as they then transpired. It is positive that the volumes prepared and published by the Compiler of State Records, thus far, do not contain material relating to the history of that particular period. Another historian of Georgia, Bishop William Bacon Stevens, barely touched upon the subject, and all that he wrote is contained in the space of three pages of the second volume of his History, calling attention to the fact that it was "a time which required sagacity, promptness and firmness." The latest historians have passed over that epoch without references to the important happenings of that time.

The first term of Edward Telfair as Governor of Georgia began on the 9th of January, 1786. Seventeen days after, that is to say, on the 26th, the General Assembly, meeting in Augusta, passed "An ordinance for empowering commissioners to fix on a place convenient for a seat of government, and to erect public buildings therein," said place "to be known by the name of Louisville;" and the third section of that ordinance declared "That the place of the meeting of the legislature, the residence of the Governor, the Secretary, Treasurer, Surveyor-General, and Auditor, shall be at Augusta until the State House and other public buildings shall be erected, and the next meeting of the Legislature shall be at Louisville." (Watkins's Digest, pp. 320-321).

In the Gazette of the 9th of February it was announced that the House of Assembly had elected the following as State officers: John Milton, Secretary; John McCall, Surveyor-General; Seth John Cuthbert, Treasurer, and John Berrien, Collector of Customs for the Port of Savannah. One week later, it was stated that the same body had made choice of these officers: John Houstoun, Chief Justice; Nathaniel Pendleton, Attorney-General; John Wereat, Auditor-General; William Houstoun, William Few and Henry Osborne, Delegates to Congress for the current year; and George Walton, William Few, Abraham Baldwin and William Pierce, Delegates to Congress for one year from November next. The last list was probably acted on by the Assembly on February 14th, as on that day adjournment of the House of Assembly was ordered until the third Monday in July, to meet in Augusta.

Mr. Seth John Cuthbert, the Treasurer, whose residence seems to have been in the City of Savannah, advertised in the Georgia Gazette, from the Treasurer's office, Savannah, 21st February, 1786, that "As this office is to be very shortly removed to Augusta, all persons residing in the low country, who have certificates or other private paper in it are requested to call immediately and take out or settle and adjust the same. It is expected that such Vendue Masters as have been neglectful in their taxes will pay an immedieate attention to the settlemennt of them."

On the first of March following, the Governor and Council had the question of the boundaries of the State brought to their attention through a letter on which action was promptly taken. As this has always been a matter of considerable interest, we will now give the result of the deliberations of that body by quoting the following from the proceedings of the same:

"IN COUNCIL, MARCH 1st, 1786.

"The Board took under consideration the letter of John Woods, Esq., read yesterday.

"Whereupon the following instructions were sent the different agents of Indian affairs that reside in the Indian Nations.

"You are to know that the limits, boundaries, jurisdiction and authority of the State of Georgia does and of right ought to extend from the mouth of the River Savannah along the north side thereof and up the most of the northern stream or fork of the said River to its head or source; from thence in a due west course to the River Mississippi and down the said stream of the Mississippi to the latitude thirty-one degrees north, from thence in a due east course to the River Apalachicola or Chattahoochee and from the fork of the said River Apalachicola where Chattahoochee and Flint Rivers meet in a direct line to the head or source of the southernmost stream of the River St. Mary and along the course of the said river St. Mary to the Atlantic Ocean, and from thence to the mouth or inlet of the River Savannah.

"You are to take special care that no person or persons whatever do purchase or contract or cause to be purchased or contracted for or shall take or accept of a grant or conveyance of any Lands within the limits reserved for the Indian hunting grounds in this State from any Indian or body of Indians upon any pretence whatever."

In this connection our readers are referred to an interesting article on this subject, by the Honorable George Hillyer, which was printed in the June number of this periodical of last year, and which they doubtless remember.

The body making those appointments adjourned on the 14th of February to meet in Augusta on the third Monday in July.

It is needless to dwell here upon the character of the men whose names have been listed above, nor to give even brief biographical accounts of them. Their record is too well known to students of Georgia history.

We now come to that period in the administration of Governor Telfair which caused a vast amount of excitement and bitter feeling while the unsettled condition of affairs lasted. One of the matters productive of a state of anxiety and perplexity was the threatened war with the Creek Indians; but that disaster was happily averted. Then came the great agitation among the high officials of the State, growing out of the changes provided for in the ordinance requiring the removal of the seat of government to Louisville. We will not attempt to make a story of this truly exciting episode in words of our own. The documentary evidence of the truth can speak better than any language we may use, and we proceed give the same taken mainly from the file of the *Georgia Gazette*. We have already given the provisions of the ordinance making Louisville the capital of Georgia. The Gazette, in three consecutive numbers, March 23 and 30, and April 6, 1786, carried, as an advertisement, nearly a page of matter, of an official nature, beginning with an abstract from that enactment, certified by John Milton, Secretary of State, and giving the date of its passage. Then follow in regular succession the orders of the Executive Council now given:

IN COUNCIL, Augusta, 31st January, 1786.

Ordered,

THAT the Secretary of State, Treasurer, Surveyor General & Auditor, be required to take residence at Augusta, and that each of them report to this Board, as near as may be, what transportation will be required respecting their said offices.

Extract from the Minutes.

G. HANDLEY, Sec'y. E. C.

IN COUNCIL, Augusta, 2nd February, 1786.

His Honor the Governor sent the following message to the Honorable House of Assembly:

Council Chamber, Augusta, 2nd February, 1786.

Mr. Speaker and Gentlemen,

Upon a report made by the respective officers, whose residence are ordered at Augusta, a sum will be necessary for the transportation; and it appears proper that a guard be ordered for the security of the records, etc. The General Assembly will therefore be pleased to order a sum adequate to the emergency.

(Signed)

EDWARD TELFAIR.

G. HANDLEY, *Sec'y E. C.*

Extract from the Minutes.

In COUNCIL, Augusta, 4th February, 1786.

The following resolve of the Honorable House of Assembly was laid before the Board, viz.

House of Assembly, Augusta, 3rd February, 1786.

A message from his honor, the Governor, of yesterday, being read, Resolved, That his Honor, the Governor, be empowered to draw on the public treasury for a sufficient sum for the purpose of transporting the records and other public papers from Savannah to the present seat of Government; and that he also issue the necessary orders for a guard to attend the same.

"An Extract from the Minutes.

(Signed)

"SEABORN JONES, *C. C. A.*"

G. HANDLEY, *Sec'y E. C.*

Extract from the minutes.

IN COUNCIL, Augusta, 11th February, 1786.

Pursuant to a resolve of the Honorable House of Assembly, of the 3rd instant, empowering his Honor, the Governor, to draw on the public treasury for a sufficient sum for the purpose of transporting the public records and other papers from Savannah, the Board have approved of Mr. James Pearre, Junior, as a fit person to take charge of the aforesaid transportation, and have also approved of the Governor's drawing on the Treasurer for the immediate sum of 43l 17s.4d under certain restrictions.

Extract from the minutes.

G. HANDLEY, *Sec'y. E. C.*

IN COUNCIL, Augusta, 13th February, 1786.

Ordered,

THAT the State Secretary, Treasurer, Surveyor General and Auditor, without delay do cause to be secured and put in good trunks, or other safe packages, all the records, and other documents or papers, that shall appertain to their respective offices that are in

the town of Savannah, marking on each package the office to which each trunk or package shall appertain; and the aforesaid officers are respectively also required to cause the said trunks and packages to be held in readiness, and to be delivered in charge to such person as this Board may direct.

An Extract from the minutes.

G. HANDLEY, Sec'y. E. C.

IN COUNCIL, Augusta, 15th February, 1786.

The Board took up the regulations entered into the 11th inst., regarding the transportation of the records and other public documents belonging to certain offices now at Savannah.

Ordered, that the Secretary of State, Treasurer, Surveyor General and Auditor, deliver in charge to Mr. James Pearre such trunks, and other packages as are directed by this board the 13th instant. And the said James Pearre, for the purpose of transporting the said trunks and other packages from the town of Savannah to this place, is hereby required to contract for good covered wagons, and four good horses in each wagon and two drivers, and procure three able-bodied men, well armed and accoutred, and the said James Pearre, with the aforesaid men, shall act as a guard, and be and continue with the said wagons, from the time they set out from the town of Savannah until they arrive in the town of Augusta, and for which this shall be his warrant.

Ordered, That his Honor, the Governor, do draw a draft upon the Treasury in favor of Mr. James Pearre, for the sum of 43l. 13s. 4d. pursuant to a resolution of the Legislature dated the 4th instant, out of the immediate monies now in the treasury, the same to be charged to the contingent fund.

G. HANDLEY, Sec'y. E. C.
Extract from the minutes.

IN COUNCIL, Augusta, 28th February, 1786.

A letter from the Treasurer, dated Savannah, the 22d instant, was read, which appears to have been intended as a reply to the order of this Board of the 15th February for the removal of the Treasury.

Savannah, 22d February, 1786.

Gentlemen:

The promptitude with which the Treasury Office is ordered to be removed to Augusta puts it out of my power to serve the state in the capacity of Treasurer, without making sacrifices in my private affairs that I can by no means afford. You will therefore be pleased to appoint a person to succeed me in the office, to whom I will deliver the same, with everything appertaining to it, whenever he produces his credentials from you. As the Legislature did me the honor of re-appointing me to the office in their last session, I think myself bound in gratitude to make every possible return to a partiality particularly pleasing, because expressive of their approbation of my past conduct; and, from this principle, I would certainly accompany the office to

Augusta, and arrange and fix it there, before I retired from it, in such manner as to make it plain and easy for my successor to conduct it with that precision, and on that system, which it has been my study and labor to establish; but I am extremely sorry that this is not in my power, for my horses are so reduced, by my late journey to Augusta, that it was with great difficulty they could bring me down, and I have not a change of them; besides this, my family are just taking the smallpox, so that it would be impossible for me, with the least degree of propriety, to leave them. These circumstances, I hope, will plead sufficiently in excuse for my not accompanying the office to Augusta.

When I came into the office I gave a very special receipt to the late Col. Martin, who preceded me in it, for the papers that I received from him, and such a receipt I wish to have from the person who is to succeed me. This is the principal reason of my not forwarding the office by Mr. Pearre; and, indeed, did this reason not exist, so much has business, both public and private, pressed upon me since my return to Savannah, that I do not think I could have been ready to forward the office by this opportunity. The public business has chiefly accumulated from the time for receiving certificates in the office being on the brink of expiring; however, I hope, by the time that my present year will expire, which will be on the 20th of next month, to have all the books and papers so stated and arranged as to require very little adjustment at Augusta.

I shall immediately begin to make out lists of the certificates received into the office, that I may forward duplicates thereof, with the certificates, to you, when the office goes up; but this will be a tedious and troublesome part of the business, from the vast number of small certificates that have been received.

I shall also have my accounts stated with all possible dispatch for the examination of the Auditor.

I have had no tax returns made me yet for the last year, nor has a single farthing of cash come into the treasury, through any channel whatsoever, since I left Augusta.

With all possible respect, I have the honor to be, Gentlemen,

Your most obedient humble servant,

SETH JOHN CUTHBERT.

(Copy)

His Honor, Edward Telfair, Esquire,

Governor, and the Honorable the Members of the Executive Council, Augusta.

Ordered, That the said letter lie on the table for the perusal of the members.

The following report from Mr. James Pearre was laid before the Board and read:

TO HIS HONOR, THE GOVERNOR.

AGREEABLE to an order of the Executive Council I attended in Savannah with the wagons, etc., there received for the Secretary's office four packages of books and papers, which I have delivered to the Secretary of State; also a desk and stand with papers, which I

have delivered to the Surveyor General; also one box for the Auditor, now ready to be delivered; the Treasurer refusing to send his papers.

I am, Sir, your humble servant,

JAMES PEARRE.

(Copy)

February 28th, 1786.

His Honor, Edward Telfair, Esquire,
Governor of the State of Georgia.

Extract from the minutes.

G. HANDLEY, Sec'y. E. C.

IN COUNCIL, Augusta, 2d March, 1786.

Ordered,

That the Treasurer's letter, which was read the 28th ult. and Mr. James Pearre's report of the same day, be taken under consideration.

Whereupon the Board proceeded in the following manner:

Whereas a variety of combined events have hitherto retarded and obstructed the full execution of that part of an ordinance to fix on a place for a seat of government, dated the 26th January, 1786, that relates to the residence of certain officers in the town of Augusta for a fixed time, among which are, The State Treasurer having, in opposition to the orders issued by this Board for the removal of the Treasurer's Office, neglected and refused to pack up or deliver any part thereof to the Officer appointed by this Board to receive and conduct the same to this place, which said neglect and refusal is considered as a breach of duty on the part of the aforesaid Officer.

The Board, deeply impressed with a due sense of the obligations they stand bound to discharge in support of the dignity and welfare of the commonwealth.

Resolved, That Seth John Cuthbert, Esquire, be, and he is hereby suspended from the office of Treasurer of this state.

Ordered, That the last clause of an ordinance, passed at Augusta the 26th January, 1786, locating certain public offices at Augusta, and all the Executive proceedings thereon, be published.

Extract from the minutes.

G. HANDLEY, Sec'y. E. C.

IN COUNCIL, Augusta, 27th February, 1786.

Pursuant to an act of the Legislature, dated the 13th instant, the Sheriffs of the respective counties are each of them vested with all the powers that were, by a former law, in certain commissioners of confiscated estates.

Whereupon Ordered, That the Sheriffs within their respective counties take due notice that a clear statement be made of all and every species of property now remaining within the respective coun-

ties which did appertain to any person or persons named or described in the Act of Confiscation, and that each of them make a special report thereof to this Board.

An Extract from the Minutes.

G. HANDLEY, Sec'y. E. C.

On the 6th of April, when the foregoing appeared for the last time, the Gazette contained an editorial article, as follows:

We hear from Augusta that William Stith, sen., Esq., arrived about two months since in this State, was, two hours after his arrival, a candidate for the office of Chief Justice, for which he had *one* vote in the House of Assembly. Mr. Houstoun (John), who was elected, having declined, the Governor and Council, notwithstanding this positive rejection, appointed him to the office.

Query. Is a man not eligible to a seat in the House of Assembly, or even a vote, competent to receive the important office of Chief Justice? Or, is it not sporting with the legislative sense of the state to appoint a person to an office for which he had been refused by a full suffrage of the House?

It is said also, that the Hon. Joseph Clay, William O'Bryen, and William Gibbons, Esqrs., have been suspended in the office of Assistant Justices by the Governor and Council, and that other persons have been appointed to their stead.

Query. If the Executive have the right to suspend Civil Officers, can they appoint others? Should this be considered as lawful, it would be an overturning of the Constitution, which says, that the three Departments of Government shall be separate. In this case a wanton Executive might supersede all the appointments made by the House of Assembly, soon after the commencement of the year, and by others, and a suitable policy, might change the forms of government before the year expired.

Those queries called forth a very long article from a correspondent signing himself "Georgiensis," who must have been a lawyer, judging from its style, but it is too long to be given

here, and, besides, it is not of sufficient historical interest to warrant its reproduction. It did not appear until the 20th of April.

On Thursday, April 13th, the following matter appeared in the *Georgia Gazette*:

Savannah, 10th April, 1786.

Mr. Johnston:

By publishing in your Gazette of this week, for the information of the public, the following act of the Governor and Council, and letter from the Office, of the Executive Department at Augusta, you will oblige your humble servanrs,

John Houstoun, Joseph Clay, William O'Bryen,
William Gibbons, William Stephens, Richard
Willy, Peter Deveaux, Samuel Stirk and James
Jackson.

On Public Service.

To John Houstoun, Joseph Clay, William O'Bryen, William Gibbons, William Stephens, Richard Willy, Peter Deveaux, Samuel Stirk and James Jackson, Esquires,

County of Chatham.

Office of the Executive Department, Augusta, 23d March, 1786.
Gentlemen:

Inclosed you will receive an order of Council, of the 7th instant, suspending certain persons therein mentioned in the Office of Magistracy for the County of Chatham.

I am, Gentlemen,

Your most obt. and humble servant,
G. HANDLEY.

GEORGIA.

IN COUNCIL, Augusta, 17th March, 1786.

The Board proceeded to the order of the day, whereupon the following determination and order were taken:

When the events of human affairs are progressing to anarchy, and the leading principles of the Constitution are infringed, the laws and ordinances violated, and when the conductors of the opposition to the known order of government are chiefly persons whose peculiar situations render the guardianship of the laws the object of their care, the crime is peculiarly aggravated.

The violators of public duty with respect to office as well as that of good faith in the citizen, are objects of such magnitude as become truly interesting to the dignity and welfare of the commonwealth.

The Board, from the urgent necessity occasioned by such unwarrantable proceedings, and in order therefore that the fountain

of justice may run pure, and the laws and ordinances may be fully executed in the County of Chatham, have and do solemnly and unanimously resolve as follows:

That John Houstoun, Esquire, appointed to the office of Chief Justice be, and he is hereby suspended from exercising the duties of the aforesaid office.

That Joseph Clay, William O'Bryen and William Gibbons, Esquires, be, and each of them are hereby suspended from the office of Assistant Justice or Justices for the County of Chatham.

That William Stephens, Richard Wally, Peter Deveaux, Samuel Stirk and James Jackson, Esquires, be, and each of them are hereby suspended from the office of a Justice or Justices of the Peace for the County of Chatham.

Extract from the minutes.
G. HANDLEY, Sec'y. E. C.

A full statement of the case on which the above suspensions, or rather dismissals, have taken place, will shortly be published.

Georgia Gazette, Thursday, April 13, 1786.

Mr. Johnston:

There is, in the affairs of life, a point at which absurdity itself disarms resentment, and, assuming a coarser appellation, excites no emotion but that of pity or contempt. Had Solomon lived in our day and witnessed some late proceedings in our State, he would, in all probability, have retracted his opinion, and confessed he saw in the political world, at least, one thing new—a dismissal from, preceding the acceptance, nay following the absolute refusal of, an office. Other countries for the advancement of justice in certain cases admit of fictions in law, but I believe it is endemic to our land, and has been reserved for the ingenuity of a modern administration to invent fictions in government for the ends of private vengeance. Permit me to inquire, for the whole of this business seems enveloped in mystery, on what grounds a dismissal from the place of Chief Justice could be applied to me? So preposterous an act must, in point of view, recoil, with disgrace, upon its author, and will forever remain a satire on record against both his head and his heart. Had I really been in possession, I make no scruple to say, this edict of suspension would have made no more impression on me than a bull wrapt in all its terrors, and accompanied with all its thunder from the Pope. However malignant in its nature, I should have felt it extremely harmless in its effects. Dignities and honors, the children of sovereignty, flow from the people; and as, under our form of government, we ascribe neither majesty nor infallibility, and but a very moderate title of pre-eminence, to a Governor, it would be highly ridiculous and inconsistent to sacrifice at his shrine the independence of a Judge, so essentially necessary, in the opinion of all writers, to national freedom and private happiness. Originally the only body in a free state entitled to question a Judge for his conduct or opinion is the people. By the 49th article of our Constitution that power is delegated to the House of Assembly, but how or where the Governor obtained by prerogative as it were, a concurrent jurisdiction with them is hard to discover. If his claim is founded it evidently proves by direct

inference the servant to be greater than the master, or, in other words, the Governor superior to the House of Assembly; for the latter, however impliedly powerful in other respects, hold their controlling authority in this only in consequence of a special grant from the people; whereas the former, the being of a year, and, politically speaking, but secondary in the people's choice, finds a title to it comprehended, though till now concealed, in his very appointment itself. Armed with such weapon, and to which may be easily added, as in the days of the Star-Chamber in England, restraints upon the press, with an abolition of trial by jury, (so formidable to tyrants and sacred to freemen) what might not an ambitious man, with very limited talents, accomplish? But there is no occasion to reason on the general principles of government, or argue by analogy, when we have a guide so directly in point. If the very first section of the Constitution of this State does not make the Judges as independent of the Governor as the Governor is of them, I know not what form of words could be employed to express such an intention. It is a misfortune incident to shallow politics to be deceived by habit. Without recurring to reason and principle we are apt to be misled by use, and conclude, because a King's Government formerly claimed the right of suspending a King's Judge, therefore a State's Governor has the same power over a State's Judge. But surely no man of common intellect and who barely knows the difference between a monarchy and a democracy, will maintain such a position, or insist on the comparison or inference being just. Besides, we are to recollect that this political stride of Britain was, ever after the Revolution of 1689, altogether confined to her American governments, and is really one of the very acts of tyranny and distinction assigned by Congress, in their Declaration of Independence, as causes of our separation; for in England, although the twelve Judges hold their appointments from, and are, in legal contemplation, servants of the Crown; yet the King has it not in his power to suspend, much less to dismiss, one of them from his office, or even to withhold or reduce his salary, unless in consequence of a former address from both Houses of Parliament. So materially do the notions of our Cabinet on the scale of liberty and politics differ from those of all the rest of the world.

But, as I waved all pretensions to the office of Chief Justice, it was not my intention, when I began, to enter into a discussion in this place of the tenure by which it is held. All I mean, or am anyway solicitous about, is to prevent, as far as I am concerned, any imposition on the public. To this end I shall lay before them a plain state of the case, and leave each one to his own remarks, as in truth the proceedings themselves will, to the most ordinary capacity, furnish a very sufficient comment. On the 4th of March I received the first regular intelligence of my being, unsolicitedly, and I am sure I may add unexpectedly, nominated by the Assembly which sat in Augusta to the office of Chief Justice. The Hon. Mr. Justice Clay and Mr. Justice O'Bryen were my authors, who at the same time informed me they had received a commission from the Governor to qualify me. I told them I was fixed in my determination to decline accepting of the appointment, and that I should request them to transmit my answer, which I would give, in writing, to the Governor, when

they returned the commission. This they politely undertook to do, and accordingly that very evening I sent to Mr. Clay a letter in the following words to be forwarded to Augusta:

Savannah, Ga., March 4th, 1786.

Sir:

It being this day notified to me by the Honorable Joseph Clay and William O'Bryen, Esqrs., that the Honorable the House of Assembly had been pleased to appoint me Chief Justice for the current year, and that in consequence thereof a commission had been sent down to them to qualify me for the office. I embrace the earliest opportunity of communicating to you, Sir, and the Honorable the Executive Council, my sentiments on this occasion.

Impressed as I am with the sincerest respect and gratitude towards my country, for this very distinguishing mark of their favor, I should have been happy, however inadequate my abilities may be to the task, to have endeavored at a discharge of that very important trust, did my private affairs admit of it. But my present situation, taken in every point of view as it regards myself and my own concerns, renders it impossible for me to accept of the appointment; and therefore I must and do decline the same; and request your Honorable Board will be pleased to fill up the office by some other nomination. I have the honor to be, Sir,

Your most obedient servant,
J. HOUSTOUN.

To his Honor Edward Telfair, Esq.,
Governor of the State of Georgia,
Augusta.

The matter then rested until the 10th of the same month, when I was surprised by the receipt of an order of Council, bearing date *three days forward*, in the following words, viz.:

IN COUNCIL, Augusta, 13th March, 1786.
Ordered,

That the Secretary of State prepare a *Dedimus Potestatem*, directed to the Honorable Joseph Clay, William O'Bryen and William Gibbons, Esquires, to empower them, or any two of them, to qualify the Honorable John Houstoun, Esquire, as Chief Justice of the State, agreeable to the said appointment by the Honorable House of Assembly of the 10th instant.

An Extract from the Minutes.
G. HANDLEY.

As I had already, in as strong language, by letter and otherwise, as I was able to use, declined the office, and had never done, or thought of doing, one act as Chief Justice, I took no further notice of the affair, until I was, on the 3rd instant, again surprised by the receipt of another account that the Governor had suspended me from, and appointed a successor to, the office of Chief Justice. Whether it is not a perversion of language, under the circumstances before related, to call the proceeding a suspension, is a point deserving a more serious inquiry than that by a newspaper. For my part I choose to call it by its right name—if it has any name at all—a dictatorial dismissal unencumbered by the previous forms of

charge, hearing, or trial. However, if it has gratified private resentment, or ministered to the passion and interest of party, I suppose the end will, by its author, be thought to sanctify the means; but of one thing I can assure him, if he took into his calculation to give me any uneasiness, he has missed of his aim, for as I can incur no reproach on this score, from any good citizen, I shall, secure in conscious rectitude, most heartily despise the opinion or attempts, however signified, of every bad one, whether in or out of office.

J. HOUSTOUN.

Savannah, 10th April, 1786.

Savannah, 10th April, 1786.

We, the subscribers, do hereby certify, That, having received a commission from his Honor, the Governor, to qualify John Houstoun, Esq., for the office of Chief Justice, to which he was lately, by the Honorable the House of Assembly which sat in Augusta, appointed, we did, on or about the fourth day of March last, call upon the said John Houstoun, and acquaint him with the purport of the said commission, and request to know when it would be convenient and agreeable to him to be waited upon in order to take the oath of office, and receive the other qualification prescribed by law for the said appointment. To which the said John Houstoun immediately replied, that his nomination being entirely without his knowledge or consent, he was fixed in his determination to decline accepting of the said office, and would request of us to transmit an answer, which he would give in writing, to the Governor, when we returned the commision. This we promised to do—and I, the subscriber, Joseph Clay, do further certify, that, to the best of my rememberence, on the evening of the before mentioned day, a letter from the said John Houstoun was brought to my house, directed to his Honor, Ed. Telfair, Esq., Governor of the State of Georgia, which I understood to be a letter declining the said appointment, and which letter, I, the subscriber, William O'Bryen, a few days after, forwarded by Col. Samuel Jack to Augusta, together with the commission before mentioned, and also a letter, subscribed by the said Joseph Clay and myself, informing the Governor that the said John Houstoun declined accepting of the said appointment. And we do further certify, That, at the last Superior Court held in Savannah, (after the receipt and return of the said commision) we sat as Judges thereof. But that the said John Houstoun did not appear as Chief Justice, or in any other character than as a private practitioner in the said Court, nor hath the said John Houstoun ever done one act as Chief Justice, but constantly and uniformly, from his first appointment, declared he could not, and would not accept of the said office. Given under our hands the day and year first above written.

JOSEPH CLAY,
WILLIAM O'BRYEN.

On the 20th of April the Gazette editorially said:

"We learn from Sunbury that on account of the non-attendance of the Chief Justice which prevented a formation of Court in the County of Liberty, the inhabitants of that County, after a convention of them in the Court House on the business of the term, were obliged to depart to their respective homes, which melancholy reflections strongly impressed on their minds of the fatal consequences which must necessarily ensue to society from the abandonment of it by the Judicial Power: *a most alarming effect flowing from still more alarming cause—the interference of the Executive with the Judiciary Department of Government.*"

At the same time a writer, with the signature "Crito," had much to say about the conditions then existing, ending his article in the language now repeated:

"I have been drawn into these reflections merely from the style and composition of those performances I have been mentioning, without any view to their political or moral tendency, or the absurdity of the measures they are meant to explain. Their arbitrary, unconstitutional, and capricious suspensions or dismissions of Magistrates, and of Officers after resignation and refusal of office, instead of enforcing and establishing that power and consequence which their authors pursue with so much ardor and perseverance, will evince to the world a childish, petulant, and impotent disposition to private revenge, altogether unworthy the head of a politician, the heart of a philosopher, or the dignity of a ruler, and are circumstances of so serious, weighty and alarming a nature as to claim the exercise of the ablest pens, and will in due time, I trust, become the subjects of Legislative inquisition. But our champions for self-importance should have considered, that, however, arbitrarily they may establish themselves in their present seat of power, the world will never submit to any mandate that they may issue for the violation of every principle of common sense and rule of grammar, the coinage of new words, and the perversion of the known and established meaning of the English language. As well might they attempt to divert the course of the sun, or, what would gain them more credit, at least in the intention, suspend the Grand Seignior from "the exercise" of his imperial functions, for permitting his subjects the Algerines to make war upon the United States."

The lengthy communication from Messrs. Houstoun, Clay, O'Bryen, Gibbons, Stephens, Wylly, DeVeaux, Stirk, Jackson, and Walton, with copy of a letter by them to the Governor

and the proceedings of the Council in removing the State officers, referred to therein, printed in the *Gazette* of April 27th, now follow:

Mr. Johnston:

The late proceedings at Augusta having excited public curiosity, and involving in them questions which go to the very essence of civil liberty, it may not be improper to state to the people at large, through the medium of your paper, the origin and progress of a dispute so singularly circumstanced both in regard to matter and manner. Every inhabitant of this county knows that, prior to the Revolution, and indeed until very lately, all deeds of conveyance and other papers (judiciary proceedings excepted) for the State at large were recorded in the Secretary's office. The 50th section of our present constitution directs that "every county shall keep the public records belonging to the same." An ordinance passed at Augusta, 26th February, 1786, ordains "that the place of the meeting of the Legislature, the residence of the Governor, the Secretary, the Treasurer, Surveyor General and Auditor shall be erected; and the next meeting of the Legislature thereafter shall be at Louisville." A vote of the House of Assembly, dated 3rd February, 1786, following this law, empowers "the Governor to draw on the public treasury for a sufficient sum for the purpose of transporting the records and other public papers from Savannah to the present seat of Government; and also directs him to issue the necessary orders for a guard to attend the same." On this the Governor and Council, by their order of the 13th February, 1786, directs that "the State Secretary, Treasurer, Surveyor General and Auditor, without delay, do cause to be secured and put in good trunks or other safe packages, ALL the records and other documents or papers that shall appertain to their respective offices that are in the town of Savannah, marking on each package," etc. And by a later resolve, dated the 13th of the same month, they require the aforesaid officers "to deliver in charge to Mr. James Pearre, such trunks and other packages as were directed by their Board the 13th instant." Mr. Pearre's arrival soon after in Savannah with his wagons for the papers brought on a question which presently resolved itself into two opinions—the one, that as the officers and offices were directed by law to be removed to Augusta, therefore all the records and papers belonging to them respectively must be comprehended as so many appendages, and that, even if the law had not been full on this head, yet the vote of the House of Assembly, and order from the executive authority, placed the matter in a light indisputably clear. The other opinion, with certainly more appearance of reason, was that the Constitution upon this occasion was to be a polar star for our guide; that, if it should be found on examination that either the Act or resolve of Assembly, was repugnant to the true intent and meaning of that instrument, such act or resolve would by the 7th as well as the last section of the Constitution, fall to the ground; but that it was the duty of every good citizen in the first place to collate the Law and the Constitution together, and see whether there was any variance between them; that if we construed the proceedings of the Assembly, (passing over the distinction between a law and a resolve) from the words "the records and other public papers," to have in object only such records and public papers

as could be constitutionally removed, such, for instance, in respect to the Secretary's Office, as acts of Assembly, bonds, and other deeds belonging to the public commissions, grants for land in the upper counties, with a great variety of other records properly called "public papers," or appertaining to the upper counties, there would be in that case no disagreement between the law and the Constitution. But, if we subscribed to the other opinion, and, with the Governor and Council, added the word ALL, by way of supplement to the law, then without doubt we should feel ourselves by the very words, as well as the obvious spirit and intention of the Constitution, obliged to halt, for that, if this order amounted to anything, it clearly amounted to this that every paper, viz., wills for estates in Chatham County, the registry of grants for lots in and adjoining the town of Savannah, though kept in a distinct book with several other records entirely local, (which happened to be in the Secretary's office) must, in the language of the Governor, be packed up, transported, located and obliged to take residence at Augusta. So glaring an act would, in our opinion, require neither casuistry nor technical knowledge to prove it a most unjustifiable outrage against the Constitution.

It is, Mr. Johnston, extremely clear, and universally admitted as a maxim, that if, in the construction of a law, there be two meanings, either of which may with perhaps equal plausibility be put upon a clause, the one correspondent and the other contradictory to a former law, that meaning shall be preferred which will stand with the former law. How much stronger will this rule hold when the Constitution, which can have no fellow equal, is, as it were, one of the parties in the dispute.

Convinced, then, that the late Act of Assembly by no means intended a violation of the Constitution, it became evident to the people that the error lay in the mode of execution. As there might have been a perfect harmony throughout the whole, had the order of the Executive followed the words of the Legislative Authority, it was a very natural inquiry what right the Governor and Council had to make any innovation in or addition to a law. Feeling no inclination to believe that the freemen of this state would, in imitation of the Parliament of Henry the 8th of England, ever ascribe the faculty of legislation to an Executive body, we did not hesitate to pronounce the proceeding of the latter, by the insertion of the word ALL, an assumption of power totally unauthorized by any law, usage or custom, of this country. As the order of the Governor and Council then so far exceeded the law, and in the same proportion in its tenor militated against the 50th section of the Constitution, we held ourselves warranted by the laws of God and man to prevent the execution of so much of it as appeared to be against the said law and constitution, and therefore did, at the request of a number of our fellow citizens, and by the voice of the inhabitants of Savannah in general, repair, without tumult or disorder, to the house where the papers of the Secretary's office were kept, and having sorted out the records of grants for all the lots in and five and forty-five acre lots adjoining the town of Savannah, and other books containing documents altogether of a private nature, and belonging (in ratio of at least fifty to one) to the inhabitants of the lower counties, delivered the same into the custody of James Bulloch, Esq., Clerk of the Court of the County of Chatham, who attended for the purpose of receiving them, and where we conceive, not only by the Con-

stitution, but also by an Act of Assembly passed on the 22d of February, 1785, they ought long since to have been deposited. But we deny that there was, to our knowledge, a single record or paper stopped or removed out of the Secretary's hands, which could, in strictness of language, be called "public" in any other view than as being in a public office, they being (except the grants of lots before mentioned) altogether the deeds and papers of and between individuals. And, so careful were we to avoid taking any books or papers that could be deemed state records, that we desired Mr. Stewart, the Clerk then attending in the Secretary's office, to examine all the books placed in the possession of Mr. Bulloch, and to point out any that were properly speaking "public," in order that they might not be removed from the Secretary's office.

This affair being over, the Secretary then proceeded with all the other papers of his office, amounting to no inconsiderable number, and arrived safely in Augusta, and thereby, in our idea, contrary to the tenor of the order of Council, fully complied with the ordinance, and at the same time kept within the pale of the Constitution.

As to there being no provision or exception in the ordinance respecting the papers of the lower counties, that may be easily accounted for on two grounds; firstly, Because, perhaps, it was thought the Clerk of the County Courts respectively had them all in possession, as might have been the case under the law before mentioned, secondly, Because, to have made an exception in favor of what the Constitution established, would have implied a paramount authority in the Legislature to act contrary thereto, did they so incline, a position too ridiculous for refutation.

If it be objected to us, that we, in particular, had no right to intermeddle in this business, we reply, that, as matters were circumstanced in regard to the Governor and Council, who were moreover at the distance of 120 miles, this duty, from the necessity of the case, devolved upon the county at large, and, as the general voice required something to be done, it seemed more eligible to do that which appeared legal and constitutional by a few who would take care, both from public and private motives, that none of the papers should be lost or injured, than run the risk of having it done in a manner less moderate, and with more danger of damage to the papers, by a concourse of people agitated with the idea that an attack was meditated against one of their chartered rights.

And in order to prevent a misrepresentation of our proceedings, and to convince the Executive Authority that no disrespect was intended against government, such of us as happened to be in town, when an opportunity offered for Augusta, wrote a letter to his Honor, the Governor, (copy whereof is hereunto subjoined) from which we conceive the most captionally inclined person cannot be able to deduce evidence of a disposition to anything but peace, order and good government. And we disclaim all distinction of interest between upper and lower counties, and hold those as enemies to both who shall by such pretended difference endeavor to sow the seeds of jealousy between us.

After this candid and impartial elucidation of the whole transaction the public will no doubt be surprised to hear the sequel on the part of the Governor and Council. No sooner was the affair reported at Augusta than that Body (with all the solemnity and dread

of the Senate of Rome on discovering the conspiracy of Catiline) met in their Chamber, and commenced a shower of political vengeance. By an instrument of Government, singular to be sure, in respect to composition, but infinitely more so as to substance, they at once, without trial, hearing or evidence, laid all concerned under an interdict. There is one thing, on a review of this matter, which we cannot easily account for, and that is this; why the blow was aimed altogether at the Judiciary department. Several of us have the honor to be Members of the Legislature; why not then as well suspended from our seats there as on the bench. The one department is not more distinct from and independent of the Executive than the other, and the history of the reign of Charles the 1st of England, and some of his predecessors, would have furnished precedents of the proceedings more perhaps in favor of vacating seats than suspending Judges. There is indeed a reason why Judges might be thought more in the way of tyrannick ambition than Members of Assembly; in case of prosecutions being commenced, the former would perhaps grant a Writ of Habeas Corpus even in the face of a Governor. Now, by locking up the whole Judiciary Department in a country where there is no Chancery, it became tantamount to a suspension of the Habeas Corpus Act; and thus the breach being effected by a political finesse, the genious of arbitrary government might soon be introduced.

But a superficial acquaintance with history would have shown those concerned that in England the claim of the Executive Authority of a controlling power over Judges, and that over Members of Parliament, ceased nearly at one and the same time, that is to say, they both ceased when the nation became too enlightened to wear the shackles of tyranny, and when it was virtually received as a principle in government that to be nominally a ruler was to be in fact a servant of the people. With us in America this badge of tyranny on the one hand, and of slavery on the other, never had place, even before the Revolution, but in the same manner and on the same footing as taxation without representation, or any other unconstitutional exertion of powers, and it is hardly probable that, at this early period of our emancipation from such claims on the part of Britain, we shall freely and voluntarily, without at least a struggle for it, resign into the hands of one of ourselves, under the name of Governor, so invaluable a privilege as the independence of Judges.

Although the public have been already presented with the resolutions of the Executive for suspending us, yet, as that act makes a part of the present statement, we have subjoined a copy thereof, and some other proceedings thereon, to this publication, and shall conclude by observing, that, if it was deemed necessary to pass an act of indemnity to the Administration of 1785, for having without the express authority of law, though evidently for public good, appointed two supernumerary Justices of the Peace, we are at a loss to tell what will be sufficient to satisfy the consciences and save the reputation of that of 1786, for having contrary to the rights of human nature, our own local Constitution, and their positive oath of office, endeavored to annihilate a whole Department for no other crime than daring to question the legality of an Order of Council; and so unfortunately situated do the Executive appear to be in this business that it is impossible to acquit them of one charge without establishing upon them another. If they say they did not mean to annihilate the Department itself, it is clear they wished to reduce it to such a foot-

ing as to be upon any future occasion liable to be filled as the Governor and Council might think proper. There is an obvious distinction between a vacancy happening and a vacancy made; to provide against the one is a necessary object in every government, but to permit the other is at once to surrender the most valuable right we possess. We are, Mr. Johnston,

Your humble servants,

JOHN HOUSTOUN,
JOSEPH CLAY,
WILLIAM O'BRYEN,
WILLIAM GIBBONS,
WILLIAM STEPHENS,
RICHARD WYLLY,
PETER DEVEAUX,
SAMUEL STIRK,
JAMES JACKSON,
GEORGE WALTON.

COPY OF THE LETTER ABOVE REFERRED TO.

Sir:

Being informed that Mr. Stewart, assistant to Mr. Milton in the Secretary's office, had directions to move the several papers in that office to Augusta, among which were the records of this county from the first settling of this state until the present period, and which, by the mode established under our Constitution, do not now belong to that office, but to the Clerk of the county where the records of each county are, by the 50th article, directed to be deposited.

Under this idea, and impressed with the great distress that must naturally ensue to the inhabitants of this part of the State, should their records be removed to so great a distance from them and being, at same time, well assured, that it could not be the intention either of the Legislature or Executive Authority to remove any but public records, and not such as were entirely local, as those we are remarking on undoubtedly are, at least nine-tenths of them, relating to the property of the lower counties only.

We have caused them to be lodged in the Clerk of the County's Office and have taken this acknowledgment for the receipt of them, specifying each book, its contents and the number of pages, to prevent, as far as may be, any injury to those concerned, a copy of which you will receive herewith, and which will also be recorded in the Clerk's Office, and placed on the records of the Court.

We hope this measure will meet with your Honor's and the Honorable the Council's approbation, being entirely consistent with justice, public convenience, and the spirit of the Constitution.

We have been thus early in giving you and them information of our proceedings in this business to prevent any evil impression there are always too many ready on such occasions to do.

We have only to assure you, that nothing on our part will ever be wanting to give support to government, and render it respectable, as far as our respective situations may enable us. We have the honor to be, Sir,

Your most humble servants,

JOSEPH CLAY,
WILLIAM O'BRYEN,
WILLIAM GIBBONS,
WILLIAM STEPHENS,
RICHARD WYLLY,
SAMUEL STIRK,
JAMES JACKSON,
GEORGE WALTON.

To the Hon. Governor of Georgia.

Extract from the minutes.
G. HANDLEY, Sec'y. E. C.

PROCEEDING OF COUNCIL REFERRED TO.
GEORGIA.

IN COUNCIL, Augusta, 17th March, 1786.

The Board proceeded to the order of the day; whereupon the following determination and orders were taken:

When the events of human affairs are pregressing to anarchy, and the leading principles of the Constitution are infringed, the laws and ordinances violated, and when the conductors of the opposition to the known order of government are chiefly persons whose peculiar situation renders the guardianship of the laws the object of their care, the crime is peculiarly aggravated.

The violation of public duty with respect to office, as well as that of good faith in the citizen, are objects of such magnitude as become truly interesting to the dignity and welfare of the commonwealth.

The Board, from the urgent necessity occasioned by such unwaranted proceedings, and in order therefore that the fountain of justice may run pure, and the laws and ordinances may be fully executed in the County of Chatham, have and do solemnly and unanimously resolve as follows:

That John Houstoun, Esquire, appointed to the office of Chief Justice, be, and he is hereby suspended from exercising the duties of the aforesaid office.

That Joseph Clay, William O'Bryen and William Gibbons, Esquires, be, and each of them are hereby suspended from the office of Assistant Justice of Justices for the County of Chatham.

That William Stephens, Richard Wyly, Peter Deveaux, Samuel Stirk, James Jackson, Esquires, be, and each of them are hereby suspended from the office of a justice or justices of the peace for the County of Chatham.

The Board then postponed the further consideration of the communication of the Secretary of State until tomorrow morning ten o'clock.

Ordered, That tomorrow be the order of the day to proceed to fill up the intermediate vacancy of a chief justice, occasioned by the suspension of John Houstoun, Esquire, and also the vacancies of three Assistant Justices for the County of Chatham, occasioned by the suspension of Joseph Clay, William O'Bryen and William Gibbons, Esquires.

Extract from the minutes.

G. HANDLEY, Sec'y. E. C.

N. B. The said vacancies were accordingly filled up on the next day, by the appointment of another Chief Justice and three other Assistant Justices.

In the issues of the *Gazette* for May 11, 18 and 25 the first page is taken up with official acts of the Governor and Council and documents incident to those acts, in pursuance with an order calling for their publication. Beginning with the extract from the ordinance touching the location of the public offices at Augusta for the time being, the series of acts continues with the Governor's request for an appropriation to cover the expense of removal; notice of the election of John Houstoun as Chief Justice, with order to Jos. Clay and others to qualify him; the appointment of Pearre to remove the books, &c.; a list of records delivered to James Bulloch, Clerk of Chatham County, with his receipt, said list certified by the officers surrendering them, followed by the 50th article of the Constitution; affidavit of James M. Stewart, Clerk in Secretary's office, Augusta, that Messrs. Walton, Clay, O'Bryen, Gibbons, Stephens, Stirk, Wylly, Jackson, DeVeaux and John Houstoun did, on the 21st of February, call at the office of the Secretary in Savannah, which was locked, that several of them requested admittance, which was refused, and that on his return after absence on business he found them in his office when, without his consent, they took away the books referred to in the list given above; letter of John Milton, Sec'y. of State, to the Governor, reciting the above facts, and referring to his Honor the question whether those gentlemen had the right, under the 50th article of the Constitution, to hold those records; letter of the said gentlemen

to the Governor, admitting the truth of all the facts, and claiming their action was in the discharge of their duty, hoping it would be approved by the Governor and Council, "being entirely consistent with justice, public convenience, and the spirit of the Constitution," and ending with the assurance of their desire "to give support to government, and render it respectable as far as our respective situations may enable us;" the act of Council "from the urgent necessity occasioned by such unwarrantable proceedings," &c., in suspending from office the Chief Justice, Assistant Justices and Justices of the Peace of Chatham County; the appointment of William Stith, senior, as Chief Justice, and Nathanael Greene,* Joseph Habersham and William Gibbons, junior, Assistant Justices for Chatham County; statement that at the same time William Stith, senior, attended Council and took the oath of office; order that a copy of the communication of the State Secretary, and other papers, be sent to the Attorney General, and that he cause such process to be instituted as the laws of the State warrant and direct; authority to new appointees to constitute a Court, and to demand immediate surrender of the records, &c., with the appointment of Abraham Baldwin, William Few and Peter Carnes "in aid to the Attorney General in all cases touching the communication of the Secretary of State; all ending with an order that publication be made of the foregoing matters.

Another long letter from "*Georgiensis*" was printed in the *Gazette* for May 4, in which he was "happy to perceive that most persons agree in declaring that the Executive have not the power to suspend Judges," and ended by saying that "If, from an infringement of the law, an evil should arise, so alarming as to demand immediate removal, and yet not admit of the interference of the Executive, the Legislature might be convened, and the application of a remedy be referred to them."

*The appointment of General Nathanael Greene was made March 18, 1786, and he died June 19, following.

Other correspondents expressed their opinions on the matters which produced so much agitation, but we give only the very severe arraignment of Governor Telfair by one calling himself "Legion," in the Gazette of June 15:

TO HIS HONOR, THE GOVERNOR.

"Freedom of the Press, and Trial by Jury, to remain inviolate forever."—6th Article of the Constitution.

If physical cause have an influence on the moral faculty, it would be no difficult matter to trace the spring of your actions, since your promotion to the first office in the state; but, as we do not mean to blend your misfortunes with your faults, we shall pass the first over in silence and pay some little attention to the latter.

It is the peculiar happiness of these states that each of them has a written constitution, which may with propriety be styled the social Compact of the Citizens; and it is as remarkable as true that there is no other nation under the sun, nor do we read of any formerly whose government is, or was, founded on a written constitution, wherein the powers of the several branches of the government have been accurately defined.

The constitution of this state divides the government into three great departments, viz. the Legislative, the Judiciary, and the Executive, and neither can "exercise the powers properly belonging to the other," without a breach of the Constitution and a violation of the people's rights. To this general rule, however, there is one exception; the 40th article declares, that "every officer of the State shall be liable to be called to account by the House of Assembly," thereby vesting the House of Assembly with ample authority to try and punish "every officer of the state" for misconduct, maladministration, etc., in an official capacity.

Your gubernatorial conduct has attracted the attention of almost every individual in the state; some are your friends, many are your enemies; but all join in condemning your measures. Whether the weakness of your head or the depravity of your heart has been most concerned in this business is not for us to inquire; nor whether the triumvirate that formed your cabinet council (who in the hour of danger have deserted your standard) first urged the idea of arbitrary power on your bewildered imagination; still the action is your own, and you stand accountable to "God and your country," by whom you will be tried. To follow the old and pious custom on such occasions after producing the charges, compassion may prompt us to say: "God send you a good deliverance!"

1.—*You* have assumed the Judicial authority, by condemning ten gentlemen, respectable citizens of the state, and inhabitants of the County of Chatham, for a supposed infringement of law, without summons, bearing, charge, or trial.

2.—*You* have assumed the Legislative authority, by appointing Assistant Justices for the County of Chatham, without any "vacancy happening" in those offices to warrant such appointments.

3.—*You* have assumed arbitrary and unconstitutional powers, by suspending Judges and Justices of the Peace, for their action as private citizens, thereby taking away "Trial by Jury," the terror of tyrants and sacred right of the people.

4.—*You* have suspended a solemn law of the state, by refusing credentials to a gentleman who is, by that law, appointed an Agent in the controversy now subsisting between this state and the state of South Carolina, in whose acknowledged abilities and long experience as a lawyer and a statesman the citizens of this state, most immediately interested, principally depended; thereby endangering the loss of that important cause to the state, and of considerable property to many industrious families.

5. *You* have refused to furnish credentials to one of the Continental Delegates, thereby counteracting the constitutional proceedings of the Legislature, injuring the Federal government by retarding the alteration of the 8th article of the Confederation, the law of this state requiring THREE Delegates to ratify the change.

6.—*You* have virtually suspended the Commissioner of the Loan Office, who is a Continental officer, by refusing to administer to him the oath of office, and to take the security directed by Congress, thereby depriving the citizens of this state who are creditors of the United States of those benefits which public creditors are now enjoying in our sister states.

7.—*You* have mutilated the records of the Executive Council, which are records of the state, and published spurious extracts, with a design to impose them on the good people of this state as genuine, thereby degrading the honor of government, the authenticity of all its public proceedings, and tending to bring the faith of the state into contempt.

These are the outlines of some of the many charges on which it is probable you will be arraigned by the Legislature at their next meeting. Whether you attempt to justify your conduct from precedent or, like Lord Chancellor Bacon, who lived in the reign of James I. of England, (with not one thousandth part of his abilities) you confess your crimes and sue for mercy, yet your injured country will demand redress. However the latter conduct may blunt the edge of resentment, your offences are of such a nature that you cannot reasonably hope to escape unpunished.

Having thus stated the business generally, we shall postpone a further inquiry for some future paper.

If aught will raise compassion in the breast of your peers, it is the ingratitude of your advisers, for it is said "there is honor even among thieves;" had you been successful in the attempt for arbitrary sway, they would, exclusively have basked in the sunshine of your power; but, fortunately for us, the scene is reversed,—you have failed in the attempt, and, "the Northern Star,"

Who rose like the rocket, but falls like the stick,

Has play'd you, like Arnold, a slippery trick.

LEGION.

Bishop Stevens, in his second volume, page 370, says that General Greene learning the facts, declined to serve, and he and Joseph Habersham resigned on the 16th of April. He adds: "The real merits of the case were very much distorted in the personal bickerings and party animosities which it fomented. The Governor laid the matter before the Assembly in July; though it was not until the 20th of November that the Secretary, having informed the Governor that he had received the books, the Council, on the same day 'removed every order and process directed in consequence thereof,' and the affair was amicably settled. The gentlemen of Savannah were evidently wrong; for, by their own showing, the documents which they retained were not merely those pertaining to Chatham County, but papers of the Trustees and President and Assistants of the Colony, acting for the whole territory embraced within the chartered limits of Georgia, and also records relating to property in other Southern Counties. Their action was indeed 'disorganizing in its tendency'; and it showed the promptness and vigor of Govrnor Telfair's administration that he took such effective measures to sustain the dignity of the Government and the majesty of the law. The circumstance is an instructive one, as it shows how a small question, of local interest, can act as the sharp edge of a wedge which, if driven home with force, may cleave asunder whole communities."

A fact worthy of mention is that so little seems to be known of William Stith, senior, to whom such high honor was paid. In an account of "The Bench and Bar of Georgia," written by the late Mr. Charles N. West for a voluminous work, "Memoirs of Georgia," he said that "Here we have another name which is nothing but a name, so far as the discharge of judicial duties is shown by the records of court, but of Chief Justice Stith there is no other public record known to us." Mr. Charles Edgeworth Jones compiled some years ago a list of the judicial officers of Georgia, and mentioned the names of William Stith and William Stith, Jr., but gave no information of them, saying that "The

records throw no light upon the subject." Mr. Thomas Spalding, writing to Stephen F. Miller, author of "The Bench and Bar of Georgia," from Sapelo Island, Oct. 19. 1850, said: "Admitted to the bar more than fifty years ago (certainly as far back as 1795), every gentleman that was on the bench in Georgia for the first twenty-five years after the Revolution I have received kindness from and personally knew, except one—the old Judge Stith, whom I never saw. His son, William Stith, afterwards Judge, I was intimate with. He was a good lawyer, an amiable and honorable and respectable man." We have not been able to ascertain the relationship of Justice Stith with the historian of Virginia. The elder Stith must have been a close friend of Governor Telfair, as the notice in the *Gazette* of the death of his wife, from small-pox, July 3, 1786, shows that it occurred at the house of the Governor.

In order to make this record more complete, we state that Seth John Cuthbert died November 10, 1788.

QUERIES AND ANSWERS.

Engineer.—Please give me some information as to the steamboat said to have been invented by one William Longstreet, of the State of Georgia.

Without attempting to give our correspondent all the information at hand on this subject, we gladly give the following: By an act of the Georgia Legislature, approved February 1st, 1788, the sole and exclusive privilege was secured by Isaac Briggs and William Longstreet of using for fourteen years a newly constructed steam engine invented by them. At a meeting of the New Jersey Historical Society, held January 23, 1879, "Mr. Peter A. Voorhees submitted a certified copy of a letter from William Longstreet of Georgia, grandfather of General Longstreet of the Confederate Army, written to the Governor of that State, showing that between the years of 1787 and 1790 he had constructed a steamboat on the Savannah river. Mr. Voorhees stated there could be no doubt of the construction of the boat, but it was soon after destroyed."

EDITOR'S NOTES.

Mr. Ashmore's article in this number forms a fit conclusion to the story of the Confederate Treasure contributed by him to the September Quarterly. We are glad to give it to our readers, who will, we are sure, be pleased with an account of the Virginia banks funds which, although taken along with the money held by the Confederate Secretary of the Treasury, were, contrary to common belief, not a part of the same.

The Georgia Historical Society has recently received as a gift from our generous member, Mr. J. A. G. Carson, a valuable collection of books from his private library, mainly relating to the history of the City of Baltimore and the State of Maryland.

The Library has also come into possession of books of more than ordinary interest presented by Mrs. Anna B. Karow, the family of the late General W. W. Gordon, and Mr. Charles P. Connery, during the year just closed.

A handsome volume has very recently come to the Library from Mrs. Kate Flannery Semmes, compiled by her husband, the late Mr. Raphael T. Semmes, on "The Semmes and Allied Families," and just printed. It is a valuable addition to the costly collection bequeathed to the Library by Mr. Semmes, to which the widow added a number of useful publications as her personal contribution.

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